Supreme Court, U. S.
FILED
OCT 14 1980
MICHAEL RODAK, JR., CLERK

80-724

No.

In the

Supreme Court of the United States

OCTOBER TERM, 1980

ANABEL McCUTCHEON,

Plaintiff-Petitioner,

vs.

1. BOARD OF EDUCATION CITY OF CHICAGO
2. CAREY B. PRESTON
3. MARGARET WILD
4. HERBERT JOHNSON
5. HENRY McGEE
6. JOSEPH P. HANNON
7. WILLIAM ROHAN
8. GERARD J. HEING
9. NINA JONES
10. CHICAGO PRINCIPALS Local 2. AFL-CIO
11. SAMUEL DOLNICK
12. JOHN CAREY
13. THOMAS NAYDER
14. CATHERINE ROHTER
15. EDGAR G. EPPS
16. CARMEN VELASQUEZ
17. LOUISE MALIS
18. JAMES F. REDMOND
19. GUY BRUNETTI
20. MICHAEL WRENN
21. JAMES MOFFAT
22. THOMAS FINNEGAN
23. BESSIE LAWRENCE
24. ANGELINE CARUSO
25. OTHO ROBINSON
26. SHIRLEY STACK
27. VINCENT J. CONROY

Defendants-Respondents.

Appeal from the United States Court of Appeals for the Seventh Circuit.
Judge ROBERT A. SPRECHER
Judge WILLIAM A. BAUER
Judge HARLINGTON WOOD

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

ANABEL J. McCUTCHEON, PRO SE
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Glenview, Illinois 60025
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The Scheffer Press, Inc.—(312) 263-6850

Respectfully requests oral presentation before the Court

QUESTIONS FOR REVIEW

1. WHETHER THE ALL MALE COURTS PREJUDICIALLY ERRED BY THE DISCRIMINATORY APPLICATION OF RULES* FOR DEFENDANT MALE ATTORNEYS VS. FEMALE *PRO SE* PLAINTIFF, WHOSE ATTORNEYS, RETALIATION CHARGES WERE DISMISSED BEFORE TRIAL AS ALLEGED "GRIEVANCES" AND WHOSE APPEAL WAS DISMISSED WITHOUT CONSIDERATION OF THE RECORD OR TRIAL EVIDENCE.

2. WHETHER H. STUART CUNNINGHAM, CLERK OF THE U.S. DISTRICT COURT, CONSPIRED WITH DEFENDANT ATTORNEYS TO SUPPRESS THE EVIDENCE:

a) by the alleged "loss" of 900 pages of documents, Dec. 17, 1979 (p.m. transcript, pp. 71-229) the first day of trial and the striking of the same (reconstructed documents and 14 pre-trial transcripts from the record on appeal, April 1979—April, 1980 (App. F, p. 43a) violating the amendment motion granted by Judge Leighton and the Rules of the Circuit Court, Rule 4 to submit the complete record in his possession.

b) by eliminating a 15th trial transcript exhibit (consolidated 78 C 3894) evidence of the DENIAL OF DUE PROCESS of the Illinois Tenure Laws (detailed in the transcript); the Illinois School Code,

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* Docketing and Appearances (App. C, p. 32a, App. A-4, A-5, A-6, pp. 13A and ff).
Extension of Time (App. D-1, D-2, U.S. Supreme Court Rule #29)

§ 34-85 (App. I, p. 77a) and the Board *Rules*, #4-21. (p. 10)

3. WHETHER THE PLAINTIFF WAS DENIED A FAIR APPEAL AND EQUAL REPRESENTATION BEFORE THE COURT BY THE DISMISSAL OF 25 INDIVIDUAL DEFENDANTS-APPELLEES ON THE MOTIONS OF DEFENDANT COUNSEL, WHO HAD FAILED TO FILE ANY APPEARANCE FOR ANY INDIVIDUAL AND HAD FAILED TO SEPARATE THEM FROM THE BODY POLITIC BOARD OF EDUCATION (App. A-4 through A-6).

4. WHETHER THE CHICAGO FINANCE AUTHORITY IS AUTHORIZED BY THE STATE TO HONOR "SECRET" OR RETROACTIVE CONTRACTS WITH LAW FIRMS: PAUL HEINEKE AND THOMAS BROWN TO REPRESENT INDIVIDUALS DEFUNCT BOARD MEMBERS, AGENTS, EMPLOYEES, WHO MAY NOT BE IN COMPLIANCE WITH STATE AND FEDERAL LAWS: AFORESAID CONTRACTS MADE BY THEMSELVES TO DEFEND THEMSELVES AT PUBLIC EXPENSE.

5. WHETHER THE INDIVIDUAL DEFENDANTS ARE THE RECIPIENTS OF ILLEGALLY TRANSFERRED STATE AND FEDERAL FUNDS IN THE FORM OF LEGAL FEES, SERVICES, COURT COSTS IN VIOLATION OF BOARD *RULES*, 2-12 (p: 10) AND THE ILLINOIS STATE STATUTES, Chap. 122: §34-49 (p. 9) and §34-85 (App. I, p. 77a)

6. WHETHER THE $160,000 CONTRACT WITH BUSINESS "MAN", JOSEPH MAHRON, (and likewise the past contract with businessman, JOSEPH HAN-

NON, 1975) MADE WITH THE DEFUNCT BOARD OF EDUCATION IS VALID OR CIRCUMVENTS THE EQUAL PAY ACT OF 1964 AND THE ILLINOIS FAIR EMPLOYMENT PRACTICES ACT, INVOKED FOR THIS COMPLAINT BECAUSE, BOTH MEN WERE POLITICALLY APPOINTED BY DEFENDANTS WITHOUT EQUAL ECONOMIC OPPORTUNITY FOR BUSINESS "WOMEN", STATE CERTIFIED AND BETTER QUALIFIED THAN BOTH "JOES".

Pursuant to Rule 28 of the United States Supreme Court:

> "c) In any proceeding in this Court wherein the constitutionality of any statute of the State is drawn in question, and the State or any agency (SCHOOL FINANCE AUTHORITY), officer (JOSEPH MAHRON), or employee (CHAIRMAN SFA, JEROME VAN GORKAM) thereof is not a party, the initial pleading, motion, or paper in this Court shall recite that 28 U.S.C. §2403 (b) may be applicable and shall be served upon the Attorney General of the State."

Petitioner is hereby serving this petition upon the Attorney General of the State of Illinois in regards to Questions #4, #5, and #6.

7. WHETHER THE ALL MALE CHICAGO JUDGES WERE COMPETENT AND UNBIASED (BEING POLITICALLY AFFILIATED WITH THE CITY OF CHICAGO) TO JUDGE THE MERITS OF THE PRECEDENT SETTING ISSUES (COMPLICATED BY THEIR OWN ERRORS OF CONSOLIDATION) RAISED BY A WOMAN *PRO SE* PLAINTIFF IN HER APPELLATE COURT BRIEF:

ISSUES PRESENTED FOR REVIEW IN THE APPELLATE COURT

78 C 3894

1AC. Whether the Board and the Administrative Committee of Board Members . . . had jurisdiction, cause, and authority to deprive Plaintiff, a tenured teacher, of a teaching job under the Illinois Revised Statutes, 1975, Chap. 122: § 34-85 (p. 9) and the Board Rules, § 4-21, (p. 10)

2AC. Whether the Court of Judge Leighton had jurisdiction on Nov. 3, 1978 to consolidate this single TEACHING JOB CAUSE with a Title VII four-year-old SCHOOL PRINCIPAL JOB CAUSE when this individual cause was not transferred to him by Executive Committee Decision until Nov. 8, 1979 [Transcript, Nov. 3, 1978] and to deny Plaintiff a public jury trial by reason of this consolidation with a Title VII complaint.

3AC. Whether the Court erred in dismissing all Defendants before trial for alleged immunity as "quasi-judges" based on the Plaintiff's authorities denying immunity: *Butz* v. *Economu* and *Hampton* v. *Hanrahan.*

4AC. Whether Plaintiff was denied a fair trial and equal representation before the Court when Attorney James Scanlon (not the attorney of record) was permitted to argue the same question that Plaintiff was denied; was permitted to create evidence after the fact of Plaintiff's Deprivation of a Teaching Job, 1976-1979 by arguing a "Res Judicata" and furthermore by not presenting any evidence of that "Res Judicata" (Transcript, Jan. 24, 1980)

5AC. Whether the Court erred in denying Plaintiff a TRO for a teaching/administrative job, June 24, 1977.

6AC. Whether the Court erred by denying Plaintiff a rehearing and reconsideration of the dismissal of the Union, Oct. 20, 1978 and other Defendants in view of the subsequent testimony of THOMAS FINNEGAN on Dec. 20, 1979 (p. 639ff of the trial transcript).

7AC. Whether the Court erred in dismissing the Union, Count II, by summary judgment based on the false affidavit of SAMUEL DOLNICK, alleging no discrimination on the basis of sex.

8AC. Whether the Court erred in dismissing SAMUEL DOLNICK based on his allegations that he was not an employee of the Board (Docketed May, 1978).

9AC. Whether the Court erred in limiting complaint to the date of March, 1972: The Date of Effectiveness of the Fair Labor Standards Act.

10AC. Whether the Court erred by dismissing the charges against certain defendants, Count IV, on the basis of absolute immunity, March 15, 1978, precluding Plaintiff from bringing any evidence against them and then dismissing them again on December 27, 1979 for reason of no evidence brought against them (Transcript, Dec. 27, 1979 a.m.)

11AC. Whether the Court denied Plaintiff a fair trial by its preferential treatment of Defendants in the "matter of the order of the presentation of evidence"; by its failure to hear Plaintiff's "grievances" (Count I, item 10 d) concerning her dismissal from the service 1977 following her EEOC charges, 1974-1975 and then dis-

missing Defendants because no evidence of sexual discrimination was brought against them.

12AC. Whether the Court erred in permitting Defendant SHIRLEY STACK to create evidence after the fact of her refusal of an interview, 1975, to Plaintiff for the principalship of the Von Steuben High School by alleging woman principals at the Roosevelt and Disney Magnet School, 1979.

13AC. Whether the Court denied Plaintiff a fair trial when Judge Leighton left the bench to stop the cross-examination, impeachment of Defendant VINCENT J. CONROY about his establishment of higher salaries for men, Sept. 1, 1971.

14AC. Whether the Court erred in supporting Defendants' refusal to approve Plaintiff's Objectives (which established her rate of pay) following her EEOC charges, 1974, when she was dismissed (Charge 2) for failure to have MALE APPROVAL (HEING, ROHAN) of those same objectives submitted, 1975-1976 (Transcript Dec. 20, 1979 Testimony of Defendant BESSIE LAWRENCE, Deputy Superintendent).

15AC. Whether the Court erred in dismissing Defendant WILLIAM ROHAN after he admitted that he ordered the Assistant Principal at Audubon, JOHN KULA, to remove and disperse improperly $2575.00 in Audubon School Funds, Sept. 26, 1976 to which Plaintiff was a contributor and for which Plaintiff was held accountable for an alleged "loss" a year later (BUT THE MEN NEVER ACCOUNTED FOR THE SCHOOL FUNDS REMOVED).

16AC. Whether the "moonlighting" jobs: summer schools, evening school and social centers, left out of the Classifications, 1971-1972 and reserved exclusively for male principals KARL SIEWERS, NORMAN SILBER, WILLIAM BLOCK, DON RACKY, AL CHARNES, DON WATERS, by male District Superintendents who assigned them discriminatingly disguised larger salaries.

17AC. Whether the Court prejudicially erred in permitting Defendants to create evidence after the fact of the EEOC Charges, 1974: Complaint, 1976; Plaintiff's Dismissal, 1977: of six newly created female principals and a female district superintendent, District Three, 1978-1979, whose salaries were alleged equitable.

18AC. Whether the Court denied Plaintiff a fair trial when it denied her the right to impeach male subordinate, TEACHER THOMAS FINNEGAN; to question his qualifications to be an administrator (Rule 4-20, p. 10) under the State Statutes; to violate the Court order, Board confidentiality of Principals' Personnel Files.

19AC. Whether the Defendants proved that the Administrative Compensation Plan was a "bonafide" merit Plan, replacing seniority raises and was implemented equitably for male and females in District Three.

20AC. Whether the Defendants maliciously, knowingly committed career and economic rape of woman Plaintiff and other women reduced in salary, position, and reputation by an admitted Discriminatory ACP (Bd. Rep. 74-469-7 Pl's X of 50 pages)

TABLE OF CONTENTS

	PAGE
QUESTIONS FOR REVIEW	i
PETITION	1
OPINIONS BELOW	3
JURISDICTION	4
CONSTITUTIONAL PROVISIONS INVOLVED	9
STATE STATUTES	10
BOARD RULES	10
STATEMENT OF THE CASE	11
REASONS FOR GRANTING THIS WRIT	16
CERTIFICATE OF SERVICE	25
APPENDIX (In Separate Volume)	

TABLE OF AUTHORITIES

Aulwurn v. Board of Education, 67 Ill. 2d 434 (1977)	20
Butz v. Economu, 98 S.Ct. 2894 (1978)	iv
Grissom v. Board of Education, 75 Ill. 2d 314 (1979)	20
Hampton v. Hanrahan, 77-1689, 77-1210, 77-1370	iv
Jones v. Hannon, 58 Ill. App. 3d 504	22
Polich v. Chicago Finance Authority, 79 Ill. 2d 188	2, 21

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78 C 3894

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79 C 4763

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76 C 4763

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Appeal from the United States Court of Appeals for the Seventh Circuit.
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Judge HARLINGTON WOOD

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Comes Now, Anabel J. McCutcheon, on her own behalf, and respectfully petitions this Honorable Court to issue a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit to reveiw that Court's decision in Appeal #80-1482, *Anabel J. McCutcheon* v. *The Board of Education, City of Chicago; The Chicago Principals Association, Local 2, AFL-CIO; Et. Al.* 25 individuals, *supra,* which was summarily dismissed without consideration of the Record, Plaintiff's Brief and motions against above named individuals, who failed to file an appearance in conformance with Circuit Court Rules (App. A-4 through A-6, pp. 13 Aff.)

That Defendant Attorneys Board of Education failed to separate ten Defunct Board Members, two former General Superintendents, an Acting Superintendent and present staff members from the Body Politic Board.

That the ten Defunct Board Members hold a proven conflict of interests with that Body Politic and the common good because they were fired by the Illinois State Legislature in a precedent setting action, May 1, 1980 for the mismanagement of funds, personnel and that firing was upheld by the Illinois Supreme Court by a "Res Judicata" (79 Ill. 2d., 188 *Polich* v. *Chicago Finance Authority*), which authorized the creation of a Chicago Finance Authority by the Illinois Legislature and raised some questions of federal law, that should be settled in this Court; pursuant to Rule 17.1.

That the cause of Defendants' firing by the Illinois Legislature was the same cause as Petitioner's Title VII "prima facie case" (so declared by Judge Leighton, Dec. 27, 1979) and her other consolidated complaints, 1971-1979 wherein She Is The Female Victim of the Mis-

management of Personnel and Funds, not only in the discriminatory, But Overpayment of Salary to Male Principals, District Three, 1971-79 under as admitted discriminatory Administrative Compensation Plan, #74-469-7, Plaintiff's admitted Exhibit #902, Dec. 17, 1979, which the Clerk of the District Court failed to submit to the U.S. Circuit Court of Appeals, along with 900 pages of other documents, Public Payrolls, 1971, 1972, 1973, 1974, 1975, W-2 Forms of Trial Evidence. (Alleged "Supplementary" in Defendants' Motion, App. A-7, p. 17a).

That this appeal was summarily dismissed on June 26, 1980 on Defendants' inaccurate allegations not based on any record in evidence without consideration of Plaintiff's Answer as ordered for June 30, 1980 (App. D, p. 36A).

Pursuant to Rule 17.1 of the United States Supreme Court wherein a federal court has departed from the accepted and usual course of judicial proceedings and sanctioned such a departure by a lower court as to call for an exercise of this Court's power of supervision:

Petitioner seeks consideration of this Petition for Writ of Certiorari.

OPINIONS BELOW

The United States Court of Appeals Entry is not reported and is printed in Appendix A, p. 1a. It was entered on June 26, 1980.

Plaintiff's Motion for a Rehearing in the USCA was filed on June 30, 1980. The Appellate Court denied a rehearing on July 14, 1980. It is printed in Appendix D-3, p. 37a.

The order of the United States District Court dismissing "two" consolidated cases is not reported and is printed in Appendix B, p. 20a. It was entered on Feb. 28, 1980 and that entry is reproduced in Appendix B-1 to show the date stamp of the Court: the date having been altered by the CLERK OF THE COURT [Appendix F-2] and the DEFENDANTS in their Appellate Court Motion for Dismisal [App. A-1, p. 4a] that the Court granted on June 26, 1980.

Plaintiff's Motion for a Rehearing in the USDC on the DISMISSAL of ALL DEFENDANTS was filed March 12, 1980. It is reproduced in Appendix B-2 to show the true date stamp of the Court: the date having been altered to March 14, 1980 by the Defendants, error of Judge Leighton, and the CLERK OF THE COURT [App. B, F]. It failed to be docketed in 78 C 3894 [App. F-4, F-5] although the JUDGMENT ORDER of Judge Leighton included "two [App. B, p. 20A] "cases brought to trial WITHOUT A JURY".

The order denying Plaintiff a Rehearing in the USDC was made on March 21, 1980 and was entered March 25, 1980 in 76 C 4763, but failed to be docketed in 78 C 3894. It is reproduced in Appendix B-3, p. 28a.

Plaintiff's Notice of Appeal was filed March 31, 1980 and included all Defendants BOARD and UNION. It is reproduced in Appendix B-4, pp. 29a. It failed to be docketed in 78 C 3894.

JURISDICTION

1. Pursuant to Rule 58 and the precise instructions of Judge Leighton, January 21, 24, 1980: Plaintiff filed a

Motion for Rehearing March 12, (App. B-2, p. 22a) within fourteen days of the docketing [Feb. 28, 1980] of the Judgment Order [App. B, p. 20a].

2. The Plaintiff's Motion for Rehearing was denied on March 21 [App. B-3, p. 28a], docketed on March 25 and Plaintiff filed on March 31, 1980 NOTICE OF APPEAL [App. B-4, p. 29a] within ten days of the DOCKETING of the denial of a rehearing.

[Pursuant to Rule 29 "Computation and Enlargement of Time", #1: Plaintiff's NOTICE OF APPEAL (excluding the time allowed for rehearing) was filed within the 30 days of the docketing of the Judgment Order Feb. 28:

> "the last day (Sunday March 30) of the period so computed is to be included, unless it is a Sunday or federal legal holiday, in which event the period runs until the end of the next day (March 31)".

Please note that the Appellate Court denied Petitioner her due process rights of appeal based on the inaccurate allegations of the Defendants WITH NO RECORD IN EVIDENCE.

3. On April 4, 1980 Board Defendant Attorney Heineke, without any notice to Petitioner: argued Plaintiff's March 12th Motion for Rehearing on behalf of the UNION WHOM HE DIDN'T REPRESENT.

That on the same date, the Court of Judge Leighton erred in issuing a second order of denial (in April) of a rehearing allegedly for the "dismissal of the Union" when Plaintiff's only (MARCH) Motion for Rehearing included all DEFENDANTS BOARD and UNION [App. B-4, p. 29a]

That IN THIS MANNER, the Defendants suppressed the TRIAL EVIDENCE of criminal negligence of overpayment of male principal, KARL SIEWERS [Et. Al.-15] of $10,000 [$1,000,000 per year] and his discriminatory representation, 1977-1979 by the "MEN'S CLUB" UNION at the same time the BOARD was firing FEMALE PETITIONER, following her EEOC charges and the UNION failed to represent HER against the same BOARD.

The documents of the Plaintiff's 1978 Affidavit, concerning the dismissal of the Union before trial were also "missing" from the Court file and were not submitted to the USCA when reconstructed for Appeals 78-2467, 78-2545, 78-2583, 78-2584) or to the U.S. Supreme Court (78-1705, 79-0125) pursuant to Rule 19.1 although $260 in Docketing Fees were paid to both Courts and $10 was paid for certification to U.S. Supreme Court.

That in a prejudicial manner, Judge Leighton permitted only Defendant Attorney Heineke TO SPEAK on Plaintiff's Motion for Rehearing, March 14 denied the same Motion for Rehearing, March 21; and without notice to Plaintiff, permitted Defendant Attorney Heineke to argue the same motion, April 4, creating a jurisditcional defense of an alleged untimely appeal IPSO POST FACTO after the NOTICE OF APPEAL, March 31.

These two transcripts of March 14, April 4, 1980 have been certified to the U.S. Supreme Court, pursuant to Rule 19.1 from the Clerk of the District Court, WHO FAILED TO SUBMIT THEM TO THE USCA in violation of Circuit Court Rule, #4 and the Court Order [App. F, p. 43a]

Appendices B, C, E, F, and H are reproduced exactly because of the failure of the CLERK OF THE COURT to docket the entries accurately, or because of their elimination from the record. Please note the date stamp of "H. STUART CUNNINGHAM, CLERK OF THE U.S. DISTRICT COURT" reproduced exactly as entered herein and not as the Defendants inaccurately alleged in their Motion to Dismiss [App. A-1, p. 4a] that was granted by the Court without the RECORD IN EVIDENCE.,

Jurisdiction is invoked pursuant to Title VII of the Civil Rights Act of 1964, U.S.C. 2000 *et seq.;* the "Fair Labor Standards Act" as amended 29 U.S.C. 201 *et seq.* [App. I, and 28 U.S.C. § 1343]:

> "The district courts shall have the original jurisdiction of any person:
>
> 3) To redress the deprivation under the color of any state law, statute, or ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the U.S. or by any Act of Congress, providing for equal rights of citizens or of all persons within the jurisdiction of the United States;
>
> 4) To recover damages or to secure equitable relief under any Act of Congress providing for the protection of civil rights, including the right to work."

Jurisdiction is also invoked for deprivation of the rights of due process and equal protection guaranteed to the Plaintiff by 42 U.S.C. § 1983, § 1988:

§ 1983. Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or

Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

R.S. § 1979.

§ 1988. Proceedings in vindication of civil rights.

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

The United States Court of Appeals Judgment was entered on June 26, 1980 [App. A, p. 1a] granting Defendants' Motion for an alleged untimely filing of Appeal by Plaintiff.

Plaintiff's Motion for a Rehearing was filed on June 30, 1980. Said Appeal was denied a rehearing on July 14, 1980.* [App. D-3, p. 37a]

Jurisdiction is sought for a petition of certiorari pursuant to 28 U.S.C. 2201 (1970):

> "In a case of actual controversy within its jurisdiction, except with respect to Federal taxes, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

28 U.S.C. 2202 (1970):

> "Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment."

Pursuant to 28 U.S.C. §2101(c)—90 days from the date of action on the motion rehearing within which to file petition. This petition would then be due on Oct. 12, 1980, Sunday and Monday, federal court holidays.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution Amendment XIV: Definition of Citizenship

"Nor shall any State, deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

ILLINOIS STATUTES

34—85. Removal for cause—Notice and hearing—Suspension. [App. I, p. 77a]

Ill. Stat., 1975: 122: §34-49: Contracts, expense and liabilities without appropriations:

No contract shall be made or expense or liability incurred by the Board, or any member or committee thereof, or by any person for or in its behalf, notwithstanding the expenditure may have been ordered by the board, unless an appropriation therefore has been previously made. Neither the board, nor any member or committee, officer, head of Department [DEFENDANT MICHAEL J. MURRAY] or employee thereof shall during a fiscal year expend or contract to be expended any money, or incur any liability, or enter into any contract which by its terms involves the expenditure of money for any of the purposes for which provision is made in the budget, in excess of the amounts appropriated in the budget. Any contract, verbal or written, made in violation of this section is void as to the board, and no moneys belonging thereto shall be paid thereon.

Sec. 2-12. Attorney's Appearance in Legal Proceedings. The Attorney shall appear for and protect the rights and interests of the Board of Education in all cases, suits, and proceedings brought by or against the Board of Education or any member, officer or employee in his official capacity; provided, however, that when a Board of Education employee is sued personally, even if the cause of action arises out of his official duties, the Attorney shall appear for such Board of Education employee only in case the Board of Education directs him to do so.

Sec. 4—20. Certificate Requisite to Appointment on Teaching Force. No person shall be appointed to any position on the teaching force without the appropriate certificate therefor, nor shall any person be advanced to a higher position for which an examination is provided than that specified in the certificate, without additional examination and proper certificate for such advanced position.

Sec. 4—21. Classification of Certificates. Certificates to teach in the Chicago Public Schools are classified as follows:

(a) Certificate of Principal. Service on this certificate shall continue the validity of any certificate of any of the following groups which may be in force during time of service as principal. The holder of the certificate of principal shall be eligible for appointment to any position for which a teacher's certificate is required, provided he meets the specific requirements of that position.

STATEMENT OF THE CASE

After seeking administrative relief through the grievance procedure in the *Memorandum of Understanding* between the Chicago Principals Union and the Chicago Board of Education from Sept. 1, 1971 to March 8, 1972 and through the Appeal Procedure of the Administrative Compensation Plan, 71-270, Sept. 1, 1972-January, 1973: Plaintiff was forced to file a civil suit (73 ch 1355) against the Board, the General superintendent, Deputy Superintendent, the Assistant Superintendent Personnel and the Salary Administrator for improper reduction of salary in an amount exceeding $1400 below her published salary, 1971-1972. This suit was called to trial, Sept. 1,

1976 by Judge Covelli, six days before Plaintiff was suspended for alleged misconduct without any specifications being brought against her until Sept. 16, 1976 in violation of Ill. Stat. § 34-85 [App. I, p. 77a]

When Plaintiff discovered this reduction [exactly 4.5%] was done to all women principals, District Three, she filed charges with the EEOC, June 15, 1974 (TCH 5-0061) [App. I, p. 65a, 79a] subsequently these charges were brought by a Title VII suit, Dec. 28, 1976 [76 C 4763] consolidated by Judge Leighton, Nov. 3, 1978-Nov. 30, 1979 with three other nontitle VII cases, 1978, filed for Plaintiff's Deprivation of a Means of a Livelihood, 1976-1978.

Board Suspension Proceedings, 76-866-1

Respondent, Anabel J. McCutcheon, was suspended on Sept. 7, 1976 without specifications by Petitioner former General Superintendent Joseph P. Hannon; then charged on Sept. 16, 1976 with ten counts of "Conduct Unbecoming a Principal". After a year-long hearing of 15 daily and one evening session before an Administrative Committee of Defendant Board Members: Carey B. Preston, Margaret Wild, Henry McGee, Herbert Johnson: McCutcheon was "dismissed from the service" as principal and teacher, tenured for 30 years. No charges were ever brought against her as a teacher in violation of Ill. Stat. § 34-85 [App. I, p. 77a]

On Sept. 28, 1978 Plaintiff brought a separate lawsuit for deprivation of the means of a livelihood as a Teacher (78 C 3894) which cause was consolidated on Nov. 3, 1978 by Judge Leighton Before It Was Transferred to him Nov. 7, 1978 after the fact of his consolidation. On

Nov. 3, 1978 a briefing schedule was made for the dismissal of all defendants in the three consolidated cases causing an additional delay of another year of pre-trial.

	Pre-Trial Motions	78 C 3894
76 C 4763	(Consolidated)	78 C 3899
		78 C 3955

Date	Transcript Filed	Date	Transcript Filed
6/24/77	12/ 8/77	5/11/79	5/11/79
11/ 1/78	1/05/79	7/ 6/79	9/10/79
11/ 2/78		7/13/79	9/17/79
11/ 3/78	1/10/79	7/20/79	9/17/79
2/ 9/79	2/22/79	8/27/79	9/10/79
2/15/79	Filed With Trial Transcript	9/14/79	11/ 4/79
2/30/79	Filed With Trial Transcript	11/ 2/79	Trial Transcript
4/20/79	4/20/79	12/ 7/79	Trial Transcript

The Trial

Date	Pages	Date	Pages
12/17/79 a.m.	1-70	1/ 3/80 a.m.	1421-1503
12/17/79 p.m.	71-229	1/ 3/80 p.m.	1504-1606
12/18/79 a.m.	230-310	1/ 7/80 a.m.	1607-1649
12/18/79 p.m.	311-453	1/ 8/80 a.m.	1650-1681
12/20/79 a.m.	585-676	1/21/80 p.m.	1-13
12/20/79 p.m.	677-832	1/24/80 p.m.	1-40
12/26/79 a.m.	933-912	1/21-1/31/80	1805-1842
12/26/79 p.m.	913-1042	2/25/80	
12/27/79 a.m.	1044-1145	3/14/80	NOT DOCKETED BY CLERK March 21, 1980
12/27/79 p.m.	1149-1234	3/31/80	NOT DOCKETED BY CLERK
1/ 2/80 a.m.	1235-1313	4/ 4/80	
1/ 2/80 p.m.	1314-1420		

The Court of Judge Leighton denied Plaintiff her constitutionally protected right to bring this charge, ignoring the discriminatory factors of harassment, retaliation, specifically written into the Illinois Fair Employment Practices Act: Ill. Rev. Stat., Ch. 48, §853 (a) [App. I, p. 77a]: "From the time she (Plaintiff) *began her career as a principal, she began filing grievances, complaints, and charges" (Transcript, pp. 1138-9: L 8-25; L 13-19). Judge Leighton, former CITY OF CHICAGO CORPORATION COUNSEL, denied her because she was a female, who objected to her salary being reduced [App. H, pp. 61a-63a] to raise the men's, Sept. 1, 1971 (BEFORE ANY "MERIT" EVALUATION). This Administrative Compensation Plan being conceived and implemented after a "Pilot Plan", 1969-1971 to circumvent the Equal Pay Act of 1963 and the Ill. Fair Employment Practices Act, effective Aug. 27, 1971. [App. I, p. 73a]— three days' previous to the reduction of females and the raises to all males, District Three.

Judge Leighton was also prejudiced by the ex parte communications he permitted Nov. 1, 2, 3, 1978 with his former colleagues Defendant Attorneys HEINEKE, BROWN and expresses this prejudice on p. 547: "We are talking about 'insubordination' and not sex discrimi-

---

*Judge Leighton was in error: Plaintiff began her career, Sept., 1963 at $500 less than TWO MALE PRINCIPALS in the same office, same school, same seniority: EARL BORG at the HAVEN SCHOOL and RUDI JEZEK at the PERSHING SCHOOL. These grievances, complaints were not filed until 1971-1973 for REDUCTION OF SALARY $522.28, $780, $950. [Pl.'s Ex. Group 2, W-2 forms removed by Defendant Attorneys after being stapled to their exhibits to complete same A-H-36]

nation." Defendants deliberately confused the Court by alleging her principal's inequitable salary, 1971-1974 was a result of her alleged misconduct, insubordination, 1975-1976. No evidence of misconduct ever appeared in the Court record except in the perjurious testimony of Defendant THOMAS FINNEGAN, who stated that Petitioner received no merit raise earned 1972-1974 because she was suspended for misconduct. (1976). Documentary proof of this perjury was presented with Petitioner's own testimony on January 7, 1980.

REASONS FOR GRANTING THIS WRIT

The all male Courts erred by the discriminatory application of Rules for Defendant Male Attorneys:

a) by granting two 17-22 day extensions of time to male Defendant Attorneys Board and Union to file their briefs (App. D-1, D-2, p. 36a, 37a).

b) by permitting male Defendant Attorneys to file an untimely appearance (43 days' late) for the Defendant Union in violation of Rule 5 (App. C, pp. 32a).

c) by permitting male Defendant Attorney PAUL H. HEINEKE to file a motion for an extension of time (App. A-7, p. 17a) without an accompanying affidavit and without stating the exact due date of his brief in violation of Rule 8;

d) by permitting male Defendant Attorney THOMAS BROWN to file an admitted irrelevant "RESPONSE" to Defendant Attorney PAUL HEINEKE when both attorneys allege to represent the Defendant Board and are entering two arguments from the same Defendants in violation of Circuit Court Rules.

vs. Female Pro Se Plaintiff

e) by dismissing female *pro se* Plaintiff's appeal (App. A, p. 1a) on Defendant Attorney Heineke's inaccurate allegations that her brief was filed untimely 2 days' late; those 2 days being MEMORIAL DAY COURT HOLIDAYS, Sunday, May 25, 1980 and May 26, 1980 allowed by the U.S. Supreme Court Rule #29: "The last day of the period so computed is to be included, unless it is

a Sunday or a federal legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a federal legal holiday."

f) by accepting the unsubstantiated statements of male Defendant Attorney and failing to consider the District Court record/altered to favor Defendants as follows:

1) That the March, 1980 App. F-4, F-5; pp. 47a-48a was eliminated improperly by the Clerk of the District Court.

2) That the record was untimely-prematurely submitted on April 17, 1980, in violation of the Appellate Court Order (App. F, p. 43a) for an extension of time until April 21, 1980.

3) That the Clerk of the Court failed to submit 900 pages of exhibits, striking them improperly from the record, April 1979, 1980 after they were reconstructed after their alleged "loss", Dec. 17, 1979 and 14 pre-trial transcripts and a 15th transcript exhibit (78 C 3894) in his possession in violation of Rule #4;

THAT THE EVIDENCE "LOST" CONTAINED PUBLISHED SALARIES, W-2 FORMS AND FIVE BOARD OF EDUCATION PAYROLLS, DISTRICT THREE, FOR THE PERTINENT YEARS OF THE EEOC COMPLAINT, 1971, 1972, 1973, 1974, 1975 WHICH SHOWED NOT ONLY DISCRIMINATORY SALARIES, BUT MISUSE OF FUNDS, PERSONNEL FOR WHICH THE DEFUNCT BOARD OF EDUCATION DEFENDANTS WERE FIRED BY THE LEGISLATURE.

THAT THE EVIDENCE "LOST" CONTAINED DEFENDANTS' TRIAL EXHIBITS OF CREATED

EVIDENCE OF 26 OTHER DISTRICTS (PREJUDICIALLY ADMITTED BY JUDGE LEIGHTON) NOT INVOLVED IN THE COMPLAINT AND THE ESTIMATED (by Defendants), IMAGINARY, MONTHLY-YEARLY FIGURES OF DIFFERENT FEMALE PRINCIPALS, DIFFERENT SALARY SCALES, AND DIFFERENT TIME PERIODS, IPSO POST FACTO, 1978-1979: SUCH CREATED FIGURES (No one ever received a "monthly-yearly"; nor did ANY WOMAN PRINCIPAL, DISTRICT TREE, RECEIVE a 12-month salary THAT ALL MEN RECEIVED IN THE FORM OF SUMMER SCHOOL, NIGHT SCHOOL, AFTER SCHOOL PAY, SALARY FOR TRIPS TO PUERTO RICO, etc.) WERE COMPUTED SOLELY BY DEFENDANT THOMAS FINNEGAN, POLITICALLY APPOINTED TEACHER, HIMSELF OVERPAID AS ALLEGED ADMINISTRATOR.

Female *Pro Se* Plaintiff was denied the right to present, speak to her motion for Rehearing on March 14, 1980 (Transcript) at the same time that Defendant MALE ATTORNEY HEINEKE argued her motion "as dismissal of the Union" (changing the issue) BEFORE SHE PRESENTED IT. She was denied the right to present pre-trial motions because she was not an attorney and it was alleged she did not know the Law (July 6, 13, 20, 1979 transcripts). She was denied the right to speak, object BECAUSE SHE WAS FEMALE. Judge Leighton called her "insubordinate" because she questioned the political appointment of TEACHER FINNEGAN to administrative position without a certificate. How is a principal insubordinate to a teacher? (No evidence of insubordination was ever presented by Defendants except in "ex parte" communications with Judge

Leighton to achieve CONSOLIDATION without a motion or NOTICE TO PLAINTIFF). (Transcript, Nov. 3, 1978)

On March 21, 1980 the motion was denied (App. B-2, p. 22a).

On March 31, 1980 Plaintiff filed NOTICE OF APPEAL—exactly 30 days from the docketing (old rules) of the Judgment Order, Feb. 28, 1980—less Sunday, March 30, 1980 pursuant to the U.S. Supreme Court Rule #29, *supra.* (Not Counting Rehearing)

On April 4, 1980 JUDGE LEIGHTON HAD NO JURISDICTION TO HEAR THIS MOTION; JUST AS HE HAD NO JURISDICTION TO CONSOLIDATE 78 C 3894 ON NOV. 3, 1978, BEFORE THE EXECUTIVE ORDER OF TRANSFER, Nov. 8, 1978.

Teacher Dismissal

> "Hearing is Held and Concluded on the Motion for a preliminary injunction. The Plaintiff has not made a showing that this Court should exercise its equitable powers and issue a preliminary injunction to restrain a hearing that is proceeding in accordance with the law. For these reasons the motion is hereby denied."

(A complete copy of the Motion, Memorandum of Law is reprinted in App. G, page 49a-58a).

On June 24, 1977 Judge Leighton erred in ruling (above) that the suspension "hearing is proceeding in accordance with the law" after Plaintiff testified in the matter of all ten charges against her "for conduct unbecoming a principal" AND NO CHARGES WERE BROUGHT AGAINST HER AS A TEACHER WHILE

SHE WAS WRONGFULLY DEPRIVED OF A TEACHING JOB BY DEFENDANTS HANNON, JONES BEFORE DISMISSAL: the same HANNON, JONES that the Hay Report made by the Chicago Finance Authority condemned for personnel mismanagement.

The administrative hearing was not proceeding in accordance with the TENURE LAWS or the Illinois Statute (Chap. 122: §34-85, p. 14) because no charges were brought against the Plaintiff as a teacher. "Charges against a teacher not listed in a requested bill of particulars or in the original notice of charges may not be the basis for a dismissal for cause." *Aulwurm* v. *Board of Education,* 67 Ill.2d 143 (1977). *Grissom* v. *Board of Education,* 75 Ill. 2d 314 (1979: "A school board is without jurisdiction to dismiss a teacher where charges against him are remedial and the warning required by the statute is not given." The Appellate Court reversed the judgments against the teachers.

Judge Leighton also erred in ruling on the HEARING when no relief was sought from the hearing by a HARDSHIP INJUNCTION BROUGHT UNDER TITLE VII, but from Deprivation of a MEANS OF A LIVELIHOOD in a year-long hearing, in which Defendant CAREY B. PRESTON abused her authority. In June, 1977 the Defendants alleged that the PRINCIPAL's suspension hearing was not "related" to the Title VII complaint, filed June 15, 1974: whimsically, arbitrarily, and capriciously in Nov., 1978 they urged its consolidation "ex parte" to Judges Grady, Marshall, and Leighton: virtually admitting Plaintiff was fired because of her exercising her rights under Title VII.

Wherefore, Petitioner respectfully requests this Honorable Court to vacate the order of the Court and grant her the relief requested at the salary rate of the highest male principal (Normal Silber 1971—1979. (Exact figures are contained in Plaintiff's Answers to Union Interrogatories, March, 1978)

Discriminatory Pay

This Writ should be granted for the reasons that the cause of Defendants' Dismissal by the Illinois Legislature was the same cause as Petitioner's Title VII "prima facie case" (so declared by Judge Leighton, Dec. 27, 1979) which the Chicago offices of EEOC, U.S. Department of Labor (1974); HEW (1975); the Department of Justice (November, 1976) and the U.S. District Court (June 24, 1977) failed to investigate or to grant any redress for female reduction in salary, 1971-1974 confiscation of salary, 1974-1976; and an improper suspension-firing (Oct. 5, 1977—three years after this complaint was filed), vexacious delay, destruction of documents and harassment of POLITICALLY APPOINTED CITY ATTORNEYS, who have used UNLIMITED STATE AND FEDERAL FUNDS to continue perpetrating economic, career, and social RAPE of female Petitioner and who have maliciously prosecuted her for 3-4 years on two criminal charges (Suspension #1, 5)

The Chicago Finance Authority created by the Legislature and upheld by the Illinois Supreme Court in *Polich* v. *Chicago Finance Authority, supra,* made a consultant study of this mismanagement of funds through the Hay Associates, a Chicago Management Consultant Firm, who specifically named Defendants: JOSEPH P. HANNON, GUY BRUNETTI, NINA JONES, and JAMES

MOFFAT (for "moonlighting"); the latter man alleged "demoted" to a school principal's job (the highest administrative certificate—same as that held by the Petitioner for the same period of time, 1963—out of District Three). This alleged demotion brings no loss of salary or misconduct charges as were brought against women principals: BEULAH JONES and ANABEL J. McCUTCHEON, holding the same qualifications who were not "demoted" to a teaching position (78 C 3894), but were suspended and deprived of a means of a livelihood for 3-4 years by the same Defendants deliberately, maliciously perpetrating career, economic, and social rape of FEMALE PRINCIPALS, who filed discriminatory charges.

That Defendant JAMES MOFFAT, known as the "Hatchet-Man" for Defendant JOSEPH P. HANNON, signed both suspension complaints before the Board, although he has never been in their respective schools to supervise either Beulah Jones or Anabel J. McCutcheon.

That contrary to a Court Order (58 Ill. App. 3d 504 *Jones* v. *Hannon*) the Defunct Board or the present Board did not restore BEULAH JONES to her "school principal's position" but have placed her in a storeroom "office" at a job requiring only a high school education when they were denied a Petition for Certiorari in the U.S. Supreme Court.

The Defendant Union represented Karl Siewers, white male principal for overpayments of salary, salary benefits, pension of over $10,000 by Defendants CONROY, LAWRENCE, HEING, ROHAN—and STACK, who gave him alleged "merit" pay; but at the same time failed to represent Petitioner who had been refused any rating 1974 [After EEOC charges by same defendants].

That KARL SIEWERS, white male, has had no loss of salary by his misconduct; That JAMES MOFFAT, has been restored to the same office, same job of "MANAGEMENT SERVICES" (!) under the disguise of being an Assistant to Acting Superintendent DEFENDANT ANGELINE CARUSO. That these two men very definitely by their greed "damaged children" by placing the schools in a state of chaos for lack of money: JAMES MOFFAT being in charge of the federally funded programs and then the janitors, who were paid $3,000,000 in Feb., 1977 to sweep the floors of empty schools during the summer on 12-month salary DENIED FEMALE PRINCIPALS DISTRICT THREE, 1971-1974.

That all male salaries are continuing at the established figure of 1971 with subsequent % raises (seven) creating further discriminatory pay without a single salary schedule in effect for administrators. That the women have been intimidated into "keeping their mouths shut" by Plaintiff's firing, confiscation of her terminal pay, and the harassment of her witnesses by WILLIAM ROHAN and Defunct Vice-President, CAREY PRESTON.

CONCLUSIONS

Petitioner respectfully prays this Honorable Court to expedite this petition and restore her school's principal's position at Audubon at the top male salary, 1980, of Joseph P. Mahron ($100,000 per year and $60,000 residenaial benefit) and an interview for the position of General Superintendent in order to establish an equitable administrator's salary scale in compliance with the affirma-

tive action laws—because of past long inequities for the reasons:

1) the six-year delay of the EEOC TITLE VII (76 C 4763) initiated June 15, 1974 with EEOC) and the five year delay of Plaintiff's Deprivation of a TEACHER'S POSITION FOR ALLEGED "CONDUCT UNBECOMING A PRINCIPAL" and the DENIAL OF A JURY TRIAL TO WHICH SHE IS ENTITLED.

2) the questionable political appointment by City Hall of a "BUSINESS MAN" SUPERINTENDENT (without equal opportunity for qualified females) through residential benefit) and an interview for the position of the State Legislature—at a starting salary of $100,000 (of borrowed State Funds NOT CHICAGO EDUCA- the Defunct Defendant Board after their dismissal by (NEVER CONTRACTED FOR A WOMAN) of $60,000 to ESTABLISH RESIDENCE IN CHICAGO (whereupon he established resident in GLENVIEW)

WHEREAS:

FEMALE "ACTING" SPERINTENDENT ANGELINE CARUSO has a salary of $70,000 (after 30 years' service) with no residential benefit and is unable to live any place but CHICAGO with no job security as "ACTING". She holds the required STATE TEACHERS' ADMINISTRATOR'S CERTIFICATES, has 30 years' experience in the "business" of administering a school, a district of 20-25 schools, and an "Area" (⅓ of CHICAGO)—the smallest school (AUDUBON) budget being over $500,000 per month and her "businessman" experience, culminating in ⅓rd of that $550,000,000 during her years as Area "C" Superintendent. That Plain-

tiff, *Et. Al* WOMEN have equal experience which were never considered and were "AFRAID TO ASK" for more money or a single equitable salary scale because of the treatment of Petitioner, Beulah Jones, Et. Al. with experience and certificates the MALE POLITICALLY APPOINTED SUPERINTENDENTS MAHRON AND JOSEPH P. HANNON *DO NOT HAVE*: the requirements for administrative position being different for MALES vs. FEMALES in the CHICAGO PUBLIC SCHOOLS.

Certificate of Service

I hereby certify that I submitted 40 copies of the foregoing reconstructed petition of 30 pages in accordance with the changed rules and mailed three copies to the Attorneys of Record, Attorney General—filed Oct. 14, 1980.

Anabel J. McCutcheon

Apt. 3B: 1917 Tanglewood Drive
Glenview, Illinois 60025
312-328-1630

80-724

No.

Supreme Court, U.S.
FILED
OCT 14 1980
MICHAEL RODAK, JR., CLERK

In the

Supreme Court of the United States

OCTOBER TERM, 1980

ANABEL J. McCUTCHEON,

Plaintiff-Petitioner,

vs.

1. BOARD OF EDUCATION CITY OF CHICAGO
2. CAREY B. PRESTON
3. MARGARET WILD
4. HERBERT JOHNSON
5. HENRY McGEE
6. JOSEPH P. HANNON
7. WILLIAM ROHAN
8. GERARD J. HEING
9. NINA JONES
10. CHICAGO PRINCIPALS Local 2, AFL-CIO
11. SAMUEL DOLNICK
12. JOHN CAREY
13. THOMAS NAYDER
14. CATHERINE ROHTER
15. EDGAR G. EPPS
16. CARMEN VELASQUEZ
17. LOUISE MALIS
18. JAMES F. REDMOND
19. GUY BRUNETTI
20. MICHAEL WRENN
21. JAMES MOFFAT
22. THOMAS FINNEGAN
23. BESSIE LAWRENCE
24. ANGELINE CARUSO
25. OTHO ROBINSON
26. SHIRLEY STACK
27. VINCENT J. CONROY

Defendants-Respondents.

Appeal from the United States Court of Appeals for the Seventh Circuit.
Judge ROBERT A. SPRECHER
Judge WILLIAM A. BAUER
Judge HARLINGTON WOOD

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

ANABEL J. McCUTCHEON, PRO SE
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The Scheffer Press, Inc.—(312) 263-6850

TABLE OF CONTENTS

PAGE

APPENDIX

A Order Granting Defendant-Appellees' Motion To Dismiss Appeal 1a

A-1 Excerpts from the "Motion (and Memorandum of Law) of Defendants-Appellees to Dismiss Appeal" by Defendant Counsel Paul H. Heineke 4a

Date Inaccuracies Not Supported by the Record, pp. 1-3 Rules not Relevant to the Record, pp. 3-4

A-2 The "Response to Defendants-Appellees Motion to Dismiss" by Defendant Counsel Thomas Brown considered by the Court 8a

A-3 The "Plaintiff's Response to the Court Order to Respond" not considered by the Court after the Court Order to Respond 11a

A-4 The Plaintiff's Motion for a Summary Judgment of Default against Defendant *Bessie Lawrence* filed herein on June 23, 1980 ..... 13a

A-5 The "Plaintiff's Motion for a Summary Judgment of Default against Defendant Samuel Dolnick filed herein on June 23, 1980 ..... 14a

A-6 The "Plaintiff's Motion for a Summary Judgment of Default against Defendant Carey B. Preston filed herein on June 23, 1980 ..... 15a

A-7 The "Motion of Defendants-Appellees to Supplement the Record on Appeal and Motion of Defendants-Appellees for an Extension of time Within Which to File Brief" 17a

The record was identified as the 900-pages of exhibits, which the Clerk of the lower Court had "lost" on Dec. 17, 1979—1st day of trial; were reconstructed by the Plaintiff and in the possession of the Clerk of the Court, who failed to send them up in violation of U.S.C.A. Rule #5 to aid the Defendants

PAGE

B Judgment Order Of Judge Leighton In The U.S. District Court 20a

B-1 Judgment Order Entered Feb. 28, 1980 ..... 21a

B-2 Plaintiff's Motion for a Rehearing, filed March 12, 1980 ..... 22a

B-3 Denial of a Rehearing March 21, 1980: The order erroneously states the two dates above as Feb. 25, 1980 and March 14, 1980 as the Court was misinformed by Defendant Attorney Paul H. Heineke 28a

B-4 Notice of Appeal, March 31, 1980 ..... 29a

The Hearing On April 4, 1980 (Transcript Will Be Certified To The Court) On Plaintiff's Motion For A Rehearing Was Held After The Fact Of The Denial Of A Rehearing, March 21, 1980 And Plaintiff's Notice Of Appeal, March 31, 1980

The Appellate Court Accepted These Dates Without The Record: Ignoring Plaintiff's Right To Fourteen Days For A Motion For Rehearing, Which Defendants Left Out Of Their Memorandum Of Law. [App. A-1, A-2, pp. 4a, 8a]

C Circuit Rule 5. Appearance and Certificate of Interest 32a

C-1 Appearance Form of Michael J. Murray, Paul Heineke, James Scanlon, Thomas Brown for the Board of Education without other parties named —there being 25 individual Defendant-Appellees 33a

C-2 Appearance Form of Michael J. Murray for the Chicago Board of Education without other parties named—Defunct Board Members, ex-employees, etc. 34a

C-3 Appearance Form of Ronald S. Cope, Peter Rosenthal for the Chicago Principals Association: no appearance being filed for ex-President Samuel Dolnick, whom the above attorneys failed to separate from the Board Members, ex-employees, etc. 35a

PAGE

When Samuel Dolnick Was Dismissed May, 1978 by the U.S. District Court on his allegation that he was not an employee of the Board, but an employee of the Chicago Principals Union

At This Time He Was An Employee Of The Board On Special Leave Of Absence To Act As The President Of The Union In Keeping With The Union Contract With The Board—An Issue Raised In The Appellate Court Brief [VIII]

D-1 6/18/80 Order of the Court granting Defendants' 11 days' Extension of Time to File their Brief without an Affidavit accompanying their motion as required by Court Rules 36a

[Note that the Decision was rendered June 26, 1980 before Plaintiff could comply to this order; And That The Decision Was Rendered Without The Record]

D-2 6/23/80 Order of the Court granting the Chicago Principals Union an extension of time to file its brief—18 days 37a

[Please note that neither Defendant stated the date due of their Briefs in accordance with the Rules Because Their Motions Were Untimely Filed]

D-3 The order of Judges Sprecher, Bauer, and Wood denying Plaintiff's Motion for a Rehearing, July 14, 1980 ..... 37a

D-4 The order of Judge Bauer denying Plaintiff's Motion to strike Defendant Attorney Brown's inaccurate response . . . not based on any record in evidence 38a

E Minute Order, filed March 25, 1980, called up for hearing on April 11, 1980 by the Plaintiff. Date is erroneously entered as filed April 4, 1980 When It Is Stamped March 25, 1980 ..... 39a

PAGE

E-1 Same Minute Order with date altered by the Clerk of the Court from April 11, 1980 to April 4, 1980 Without Notice To Plaintiff 40a

E-2 Motion Of Plaintiff To Extend The Time For Filing Of The Record until April 21, 1980 in order to comply with the order of Judge Leighton to amend, certify the record of appeal: Filed In The U.S. District Court, April 4, 1980; Filed In The U.S. Court Of Appeals 4-11-1980 Ten Full Days Before The Record Was Due 41a

E-3 April 17, 1980 Order Of The Appellate Court Extending The Time For Filing The Record For Appeal Until April 21, 1980 in order to comply with the order of Judge Leighton to "perfect" the record 42a

F April 17, 1980 The Clerk Of The U.S. District Court Submitted An Incomplete Record With The Complete Record In His Possession (omitting 14 pre-trial transcripts and 900 pages of Plaintiff's Exhibits, admitted in the trial record In Violation Of Judge Leighton's Order, April 4, 1980, E-1) and in violation of the U.S.C.A. Order for an extension of time until April 21, 1980 ..... 43a

Date of filing this motion altered by the Court to April 15, 1980 when it is stamped "Filed April 11, 1980"

F-1 Page 11 of the docket of 76 C 4763 that "bound by a rubber band" is a false entry by the Clerk of the Court because all documents were submitted April, 1979 in a small cardboard "file" box marked "Michelob" and 76 C 4763 McCutcheon v. Board of Education as listed on pages 26a-53a of the "Appendix to the Brief and Argument of Plaintiff" 44a

F-2 Page 20 of the docket 76 C 4763 Entered 2-28-80 the Judgment Order Of The U.S. District Court 45a

PAGE

Note That The Same Order Of The Consolidated Case 78 C 3894 Is Falsely Entered As 2-27-80 By The Clerk Of The U.S. District Court.

F-3 Page 21 of the docket 76 C 4763 Entered 4-7-80 dated with false date of filing as 4-4-80 When The Motion Was Filed March 25, 1980 Before Receipt Of Denial Of A Rehearing. (See E-1 above) 46a

F-4 Page 7 of the docket 78 C 3894 (Last Entry falsely docketed as 2/27/80 "By The Clerk": The Consolidated Case And Order Are Exactly The Same (F-2 and F-4) Alleged Separated By Defendant Attorney Brown (A-2 His Improper Response To Defendant Attorney Paul Heineke) 47a

F-5 Page 8 of the docket 3894 with No Dates Of Motion For Rehearing Which Included 3894 (App. B-2, p. 4), Notice Of Appeal Of The Consolidated Cases, March 31, 1980: Denial of Rehearing, March 21, 1980 ..... 48a

G Plaintiff's Motion for a hardship injunction ordering the Board to Reinstate Her To Her Position As Principal Of The Audubon School Until The EEOC Had Opportunity To Investigate . . ." 49a

G-1 Legal Memorandum In Support Of Motion 55a

G-2 Affidavit Of Plaintiff In Support Of Motion 58a

H Payroll Documents, District Three, admitted as authentic evidence, Dec. 18, 1979 p.m. and so recorded in the transcript.

Entered in the Appendix to Brief and Argument for Appellant, p. 43a as "Charts of the Discriminatory Implementation of the Administrative Compensation Plan, District Three"

PAGE

[Specific Exhibits "lost" Dec. 17, 1979 by the Clerk Of The District Courts, reconstructed Dec. 18, 1979 by the Pro Se Plaintiff and struck from the record improperly by the Clerk of the Court, April 17, 1980 [App. R-1, pp.]—a record prematurely submitted on April 17, 1980 with inaccurate dates and incomplete by 14 transcripts certified by Judge Leighton, April 4, 1980]

H-1 Establishment of Basic Salary, Sept. 1, 1971 Male Principals District Three Higher Than Female Principals, District Three 61a

H-2 Frozen Categories, Dec. 11, 1972 Certain Male Principals Not Frozen 62a

H-3 First Merit Raise, Dec. 11, 1972 ..... 63a

With permission of the Court, the authentic payrolls, District Three were retained by the Plaintiff and copies were substituted for the record in the Clerk's Office because of the overlarge size and age of the documents. [Transcript, January 21, 1980]

I EEOC charges TCH 5-0061 ..... 64a

APPENDIX

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

June 26, 1980

Before
Hon. Robert A. Sprecher, Circuit Judge
Hon. William J. Bauer, Circuit Judge
Hon. Harlington Wood, Jr., Circuit Judge

ANABEL J. McCUTCHEON,

Plaintiff-Appellant,

No. 80-1482 vs.

THE BOARD OF EDUCATION, CITY OF CHICAGO, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
No. 76-C-4763 & No. 78-C-3894
Judge George N. Leighton

This matter comes before the court for its consideration upon the following documents:

1. The "MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482" filed herein on June 10, 1980.

2. The "RESPONSE TO DEFENDANTS-APPELLEES MOTION TO DISMISS IN CASE NO. 80-1482" filed herein on June 23, 1980, by counsel for the defendants-appellees.

3. The "PLAINTIFF'S RESPONSE TO THE COURT ORDER TO RESPOND TO THE "MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482 filed herein on June 10, 1980, by Counsel for the Defendants-Appellees," filed herein on June 23, 1980.

4. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT BESSIE LAWRENCE" filed herein on June 23, 1980.

5. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT JAMES MOFFAT" filed herein on June 23, 1980.

6. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT JOHN CAREY" filed herein on June 23, 1980.

7. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT SAMUEL DOLNICK" filed herein on June 23, 1980.

8. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT NINA JONES" filed herein on June 23, 1980.

9. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT GERARD J. HEING" filed herein on June 23, 1980.

10. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT WILLIAM ROHAN" filed herein on June 23, 1980.

11. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT JOSEPH P. HANNON" filed herein on June 23, 1980.

12. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT HENRY McGEE" filed herein on June 23, 1980.

13. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT HERBERT JOHNSON" filed herein on June 23, 1980.

14. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT MARGARET WILD" filed herein on June 23, 1980.

15. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT CAREY B. PRESTON" filed herein on June 23, 1980.

16. The "PLAINTIFF'S MOTION TO STRIKE WITH PREJUDICE THE INACCURATE: "MOTION OF DEFENDANTS-APPELLEES TO SUPPLEMENT THE RECORD ON APPEAL AND MOTION OF DEFENDANTS-APPELLEES FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE BRIEF" filed herein on June 23, 1980.

Treating plaintiff-appellant's motions for summary judgment as responses to the defendants-appellees' motion to dismiss,

IT IS ORDERED that the defendants-appellees' motion to dismiss is hereby GRANTED and this appeal from a decision of the United States District Court for the Northern District of Illinois is hereby DISMISSED.

IT IS FURTHER ORDERED that the "PLAINTIFF'S MOTION TO STRIKE WITH PREJUDICE THE INACCURATE: "MOTION OF DEFENDANTS-APPELLEES TO SUPPLEMENT THE RECORD ON APPEAL AND MOTION OF DEFENDANTS-APPELLEES FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE BRIEF" is hereby DENIED.

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 80-1482

ANABEL J. McCUTCHEON,

Plaintiff-Appellant,

v.

BOARD OF EDUCATION OF THE CITY OF CHICAGO, et al,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 76-C-4763
No. 78-C-3894
Judge George N. Leighton

MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482

Now come the defendants-appellees, the Board of Education of the City of Chicago, et al., by their attorneys Michael J. Murray and Paul H. Heineke, and move that this Honorable Court dismiss the appeal in case No. 80-1482 for the reason that this Court does not have jurisdiction to consider this appeal due to the failure of the plaintiff-appellant to file a timely notice of appeal. A

memorandum of law in support of this motion is attached hereto.

Respectfully submitted,

/s/ Michael J. Murray
Michael J. Murray

Michael J. Murray
Board of Education of
the City of Chicago
228 North LaSalle St.
Chicago, IL 60601
641-3900

/s/ Paul H. Heineke
Paul H. Heineke

Paul H. Heineke
Christine A. Zielinski
135 South LaSalle St.
Chicago, IL 60603
236-6655

MEMORANDUM OF LAW IN SUPPORT OF THE MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482

The notice of appeal in this case was not timely filed. Therefore, this Honorable Court has no jurisdiction to consider this appeal.

Final judgment in this case was entered on February 25, 1980 in favor of the defendants-appellees, (I.R. #105). Plaintiff-appellant filed a motion for a rehearing on March 14, 1980, (I.R. #104). It was not until March 31, 1980 that plaintiff-appellant filed a notice of appeal, (I.R. #112). On April 4, 1980 plaintiff filed a motion to reconstruct the complete 76-C-4763 file, (I.R. #108). Also restraining order against attorney John B. Schwartz, (I.R. #110).

Plaintiff's motion for a rehearing was denied on March 25, 1980, without expression of any view concerning its timeliness, (I.R. #107). The Court in its Minute Order said:

> ". . . After reviewing plaintiff's allegations, it appears plaintiff seeks the opportunity to reargue the case this court has heard thoroughly, and to which careful attention has been paid to each of plaintiff's many claims. (I.R. #107)."

Plaintiff's motion to reconstruct, amend, and certify the 76-C-4763 filed was granted on April 8, 1980. (I.R. #109). Plaintiff's motion for a temporary restraining order against attorney John B. Schwartz was denied on April 7, 1980, (I.R. #113).

The Federal Rules of Appellate Procedure for the United States Court of Appeals, specifically Rule 4(a), are applicable and govern appeals in Civil cases such as this. Rule 4(a), provides:

> (a) Appeals in Civil Cases.
>
> (1) In a civil case in which an appeal is permitted by law as of right from a district court to a court of appeals the notice of appeal required by Rule 3 shall be filed with the clerk of the district court within 30 days after the date of the entry of the judgment or order appealed from;..."

The date of the entry of the judgment or order appealed from in this case is the final judgment in favor of the defendants-appellees which was entered on February 25, 1980. As explained hereinafter, plaintiff-appellant's motion for a rehearing was itself untimely even though the motion was denied not because of time but because plain-

tiff sought to reargue the entire case which had just been heard thoroughly by the court, which had paid careful attention to each of plaintiff's many claims. (See: I.R. #107, *supra.*)

Plaintiff's motion for a rehearing was untimely according to either of the relevant Federal Rules of Civil Procedure: Rule 50b, Rule 52b or Rule 59. Rule 50b provides:

> "(b) Motion for Judgment Notwithstanding the Verdict.
>
> . . . *Not later than 10 days after entry of judgment,* a party who has moved for a directed verdict may move to have the verdict and any judgment entered thereon set aside and to have judgment entered in accordance with his motion for a directed verdict; . . ." (Emphasis added.)

Rule 52b provides:

> "(b) Amendment. *Upon motion of a party made not later than 10 days after entry of judgment* the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to Rule 59 . . ." (Emphasis added.)

Rule 59 provides:

> "New Trials; Amendment of Judgments. . . . (b) Time for Motion. A motion for a new trial shall be served *not later than 10 days after the entry of the judgment.*" (Emphasis added.)

Plaintiff-appellant had 10 days from the date of entry of the final judgment order within which to file her mo-

tion for a rehearing. The final judgment was entered February 25, 1980. Plaintiff's motion for a rehearing was not filed until March 14, 1980, 18 days later. Plaintiff's Notice of Filing alleges that the Motion was filed on March 12, 1980. If this were factual, then plaintiff's motion would have been six days late. If plaintiff mailed in her motion and was entitled to an additional three-day grace period, then her motion for a rehearing is still late. Therefore, the time within which plaintiff's notice of appeal should have been filed was never tolled. Plaintiff, therefore, had 30 days from the date of entry of the final judgment order within which to file her notice of appeal. Plaintiff's Notice of Appeal was filed March 31, 1980, *thirty-five days after the entry of the final judgment order in favor of the defendants-appellees.* Plaintiff's Notice of Appeal was not timely. Therefore, this Court has no jurisdiction to consider this appeal.

RESPONSE TO DEFENDANTS-APPELLEES
MOTION TO DISMISS IN CASE
No. 80-1482

Now comes the defendants-appellees in the United States District Court case, docket number 78 C 3894, to wit, Board of Education of the City of Chicago, Carey B. Preston, Margaret Wild, Herbert Johnson, Henry McGee, Joseph P. Hannon, William Rohan, Gerard J. Heing and Nina Jones, by one of their attorneys Thomas P. Brown, and pursuant to the Court's order of June 12, 1980, submit this "Response."

1. Counsel Thomas P. Brown, representing the defendants, as above noted (in 78 C 3894), specifically joins in the motion to dismiss this appeal, including the memorandum in support thereof.

2. As additional grounds, defendants aver that plaintiff has never filed an appeal in 78 C 3894.

3. With regard to U.S.D.C. 78 C 3894, the following docket entries are relevant:

(a) Consolidating of 78 C 3894 with 76 C 4763 (NR. 11 (a) § (b), per orders of November 6 and 8, 1978.

(b) Order dismissing cause as to all individuals defendants; direct defendant Board of Education to answer the complaint; vacate all prior orders of consolidation; consolidate the remaining action with 76 C 4763 for trial (NR.22), entered December 4, 1979.

(c) Judgment order that plaintiff take nothing (NR.29), entered February 27, 1980, per order dated February 25, 1980.

4. With regard to 76 C 4763, that docket contains these additional relevant entry:

(a) Judgment order that plaintiff take nothing (NR. 105), per order dated February 25, 1980.

(b) File plaintiff's notice of appeal (NR. 112), dated March 31, 1980.

5. Plaintiff has therefore initiated only one appeal, but in 76 C 4763, and not in 78 C 3894.

6. The consolidation of the case against the sole remaining defendant in 78 C 3894, the Board of Education, was for purposes of trial only; and upon the entry of a final order, the plaintiff must file a timely notice in each civil case in which she intends to appeal, Fed. Rules of App. Proced., Rule 4 (a).

7. The sole procedure for consolidated appeals is contained in F.R.A.P. Rule 3(b), but this rule cannot be implemented until and unless the appellant affects a timely notice of appeal in all cases which are to be considered for consolidation.

8. Plaintiff-appellant's notice of appeal assigned eleven trial errors, all applicable to the trial in 76 C 4763;

a) One error assigned to date of final order.

b) Three errors assigned to court rulings re: examination of witnesses.

c) One error assigned to the denial of the petition for rehearing.

d) Two errors assigned to the pre-trial dismissal of various defendants in Count II and Count IV of the Amended Complaint, upon motions by their counsel.

e) Two errors assigned to consolidations.

f) One error assigned to a denial of change of venue.

g) One error assigned to the trial judge's ruling upon the order of presenting evidence.

9. Plaintiff's Petitions for Rehearing were filed only in 76 C 4763, and related to the dismissal, or summary judgment, of the Chicago Principals' Association defendants (NR. 106, 107, 111).

10. Accordingly, plaintiff-appellant has not only never filed a notice of appeal in 78 C 3894, she has indicated by the post-trial motions and notice of appeal in 76 C 4763 that this is the only case on appeal before the Court of Appeals.

Wherefore, inasmuch as plaintiff-appellant has failed to file a timely notice of appeal and, in any event, has never filed a notice of appeal in 78 C 3894, this honorable Court should dismiss the appeal forthwith.

Respectfully submitted,

/s/ Thomas P. Brown
Thomas P. Brown

PLAINTIFF'S RESPONSE TO THE COURT ORDER TO RESPOND TO THE "MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482 FILED herein on June 10, 1980 by Counsel for the Defendant-Appellees."

NOW COMES the plaintiff, ANABEL J. McCUTCHEON, *Pro Se,* to respond to the order of the Court and to move this Honorable Court to strike the motion of the Counsel for the Defendant with prejudice and reprimand for the legal trickery for the following reasons:

1) That Plaintiff has received no copy of the motion alleged submitted to her June 10, 1980 per Counsel's Proof of Service that must be filed with the Clerk of the Court.

2) That on numerous other occasions Defendant Attorneys have perpetrated this same legal trick on *pro se* plaintiffs of filing a motion for dismissal and not sending it until after the fact of the dismissal.

3) That Plaintiff received on June 18, 1980 the Court Order and in the same mail another "Motion of Defendants-Appellees to Supplement the Record on Appeal and Motion of Defendants-Appellees for an Extension of Time Within Which to File Brief."

The envelope containing this motion is postmarked June 16, 1980—obviously after the Court Order—and contained no other Motion.

4) That Defendant Attorney Heineke has filed inaccurate motions to dismiss, delay, postpone, ad infinitum, ad nauseum to confuse the Court when he has no knowledge or background in educationl procedures or competence in the civil rights laws involved in this cause.

In the motion above he fails to state (nor has he filed an appearance for Defendants-Appellees by name—as they have been named, summoned individually, placed in the complaint, and dismissed by name.) In accordance with Circuit Court Rule V, he has failed to make clear which Defendants-Appellees he represents, and which Defendants are requesting an extension of time.

5) That Plaintiff filed a timely Notice of Appeal; the case was docketed April 15, 1980 and Plaintiff's Brief and Argument were filed timely May 27, 1980 following two Court Holidays, May 25, 26, 1980. Argument for the Dismissal of Defendants should be placed in their Brief and not argued "piecemeal" distorting the issues.

Wherefore, Plaintiff respectfully requests this Court to strike Defendants motion for premature dismissal and reprimand Counsel for vexacious delay. Plaintiff prays this Court for an expeditious settlement of this Title VII cause, filed June 15, 1974 and not answered by Defendants in six years.

/s/ Anabel J. McCutcheon
Anabel J. McCutcheon

PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT BESSIE LAWRENCE

NOW COMES the plaintiff, Anabel J. McCutcheon, *Pro Se* to move this Honorable Court for a summary judgment of default against Defendant former Deputy Superintendent, BESSIE LAWRENCE,

who has failed to file an appearance within ten days of the docketing (April 15, 1980) of this appeal in violation of Circuit Court Rule 5. That said Defendant was served with summons, 1977; specifically named in the Complaint and in the Amended Complaint, Count I, 10d, Count IV as one of the Board Agents, responsible for "terminating plaintiff's employment with the Board." That she signed the improper suspension notice without any specifications, Sept. 15, 1976 [Appendix, p.2a] after Plaintiff's Charges to the EEOC, June 15, 1974 and subsequently leading to her dismissal, Oct. 5, 1977. That Defendant Counsel has failed to file an appearance specifically naming Defendant and is not authorized by public contract to represent former employees.

Plaintiff prays this Honorable Court for an award of punitive damages in an amount not less than $250,000 comparable to the Plaintiff's salary losses, Sept. 1, 1971-Sept. 1, 1980 for nine years of discriminatory pay less than that of male principals, District Three. The specific figures were placed before the Court and filed as early as March, 1978 in Plaintiff's Answers to the Union Interrogatories. Plaintiff seeks 4% of the legal fees, Court costs.

Plaintiff seeks an additional $500,000 for emotional damages of a six-year vexacious delay, the female "put-

down" by seventeen male Board Attorneys, representing improperly these individual defendants. The Court disparingly commented on her "disputes" and "grievances", which have seriously affected her relationships with the opposite sex.

Plaintiff seeks an additional $500,000 for social damages for the SOCIAL STIGMA attached to her firing, which this Deputy Superintendent maliciously and knowingly perpetrated against her. In addition, it is the social practice, to award a 30-year teacher, principal with a PERSONNEL DINNER, and to honor her by the attendance of the Board, City Officials; for the teachers of the Audubon Social Club to honor a colleague after 30 years service; the principals of the District 3 Social Club to honor a Colleague after 30 years service; and the members of the Chicago Principals Association to honor a colleague for service.

Not only has social stigma been recognized by the Courts, but it is a peculiar feature of this cause that this Defendant signed her name to Charge #3 accusing Plaintiff of indecency by hearsay.

Wherefore, Plaintiff seeks redress of grievances by sumwary judgment.

PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT SAMUEL DOLNICK

NOW COMES the plaintiff, ANABEL J. McCUTCHEON, *Pro Se* to move this Honorable Court for a summary judgment of default against Defendant SAMUEL DOLNICK, who has failed to file an appearance in violation of Court Rule 5. That said Defendant was served with

summons, 1977; specifically named in the Complaint; and served with NOTICE OF APPEAL. That said Defendant, as President of the Chicago Principals' Association and School Principal on leave, acted as a Board Agent in "terminating plaintiff's employment, by testifying against her as a surprise witness, Sept. 26, 1977 although the CPA Governing Board had ordered her representation, Sept. 13, 1976:

FOLLOWING HER CHARGES AGAINST HIM, Count IV in this suit: 76 C 4763. Plaintiff prays this Honorable Court for punitive, emotional, and social damages of not less than $1,000,000.

/s/ Anabel J. McCutcheon
Anabel J. McCutcheon

PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT CAREY B. PRESTON

NOW COMES the Plaintiff, Anabel J. McCutcheon, Pro Se to move this Honorable Court for a summary judgment of default against Defendant former Vice-President Defunct Board of Education, Carey B. Preston, who has failed to file an appearance within ten days of the docketing (April 15, 1980) of this appeal in violation of Circuit Court Rule 5.

That said Defendant was served with summons, 1977; specifically named in the Complaint and in the Amended Complaint, Count I, Item #10d, IV as one of the Board Agents, responsible for "terminating plaintiff's employment with the Board." That she signed the improper suspension notice without any specification, Sept. 15, 1976 [Appendix,p.2a] after Plaintiff's Charges to the

EEOC, June 15, 1974 and subsequently leading to her dismissal, Oct. 5, 1977. That said Defendant was fired by the State Legislature for misuse of funds: That Defendant Counsel has failed to file an appearance specifically naming her and is not authorized by public contract to represent her.

Plaintiff prays this Honorable Court for an award of punitive damages in an amount not less than $250,000 comparable to the Plaintiff's salary losses, Sept. 1, 1971-Sept. 1, 1980 for nine years of discriminatory pay less than that of male principals, District Three. The specific figures were placed before the Court and filed as early as March, 1978 in Plaintiff's Answers to the Union Interrogatories. Plaintiff seeks 4% of her fees, Court costs.

Plaintiff seeks an additional $500,000 for emotional damages of a six-year vexacious delay, the female "put-down" by ten male Board Attorneys, improperly representing these individual defendants, who hold a "conflict of interests" with the Body Politic Board. The Court disparingly commented on her "disputes" and "grievances" which have seriously affected her relationships with the opposite sex.

Plaintiff seeks an additional $500,000 for social damages for the SOCIAL STIGMA attached to her firing, which this Defunct Bd. Member maliciously and knowingly perpetrated against her. In addition it is the social practice, to award a 30-year teacher, principal with a PERSONNEL DINNER, and to honor her by the attendance of the Board, City officials; for the teachers of the Audubon Social Club to honor a colleague after 30 years service; the principals of District 3 social club to honor a colleague after 30 years service; and the members of the Chicago Principals Association to honor a colleague.

Not only has social stigma been recognized by the Courts, but it is a peculiar feature of this cause because the above named Defendant signed her name to Charge #3 accusing Plaintiff of indecency by hearsay.

Wherefore, Plaintiff seeks redress of grievances by summary judgment.

/s/ Anabel J. McCutcheon
Anabel J. McCutcheon

MOTION OF DEFENDANTS-APPELLEES TO SUPPLEMENT THE RECORD ON APPEAL AND MOTION OF DEFENDANTS-APPELLEES FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A BRIEF

Now come the Defendants-Appellees, the Board of Education of the City of Chicago, et al, by their attorneys Michael J. Murray and Paul H. Heineke, and move this Honorable Court to supplement the record on appeal in this case No. 80-1482, and for an extension of time within which to file a brief, and in support state as follows:

1. In an order dated January 21, 1980, the Court directed the Clerk to keep the exhibits tendered by the Plaintiff-Appellant in the Exhibit Room until further ordered by the Court. The exhibits of the Defendants-Appellees were placed in the Exhibit Room with the exhibits of the Plaintiff-Appellant at or about that time.

2. On April 4, 1980, the Plaintiff-Appellant filed a motion to reconstruct the complete 76-C-4763 file. The Court entered an order dated April 4, 1980 in which Plaintiff's motion to reconstruct was granted "to the extent that the Clerk of the court, with the cooperation of counsel for the defendants, can assist the Plaintiff who

proceeds pro se, to complete the record for the appeals she is seeking to perfect." (See Order dated April 4, 1980.)

3. After the entry of the order dated April 4, 1980, counsel for the Defendants was never contacted by the Plaintiff-Appellant to assist her in completing the record, although all counsel were willing to do so.

4. On April 17, 1980, the record on appeal was certified and transmitted to the United States Court of Appeals for the Seventh Circuit. The record consisted of three volumes of pleadings and twenty-four volumes of transcripts. No mention was made of any of the exhibits, either those admitted into evidence on behalf of the Plaintiff or those admitted into evidence on behalf of the Defendants. The exhibits in question still remain in the Exhibit Room in the Office of the Clerk of the United States District Court and were never filed.

5. On June 10, 1980, the Defendants-Appellees filed a motion to dismiss the appeal in this case for the reason that this Court does not have jurisdiction to consider this appeal due to the failure of the Plaintiff-Appellant to file a timely notice of appeal.

6. The Court, on its own motion, served Plaintiff-Appellant with a Notice to Respond to the motion to dismiss of Defendants-Appellees on or before June 23, 1980.

The brief of Defendants-Appellees in this case is due June 27, 1980, only four days later. Our brief, however, may be unnecessary, depending upon the Court's ruling on the motion to dismiss of Defendants-Appellees.

Defendants-Appellees are left, therefore, in the awkward position of preparing a brief without the benefit of their own or of any other exhibits. In her brief, Plaintiff-Appellant refers to said exhibits on several occasions. Neither the Court nor defendants-Appellees have the opportunity to refer to the exhibits which Plaintiff-Appellant discusses. It is impossible for Defendants-Appellees to submit a brief without the benefit of the transmittal of the entire record on appeal.

WHEREFORE, Defendants-Appellees pray for an order granting the transmittal of the entire record on appeal, including all exhibits which are now located in the Exhibit Room in the Office of the Clerk of the United States District Court for the Northern District of Illinois and for an extension of time of thirty days from the date of ruling on their motion to dismiss within which to file a brief on behalf of the Defendants-Appellees.

Respectfully submitted,

/s/ Michael J. Murray
Michael J. Murray

/s/ Paul H. Heineke
Paul H. Heineke

JUDGMENT ORDER

These consolidated causes have been heard by the Court, without a jury, the issues having been duly tried; the Court having made findings of fact and reached conclusions of law, and a decision having been duly rendered.

IT IS ORDERED AND ADJUDGED that the plaintiff ANABEL J. McCUTCHEON take nothing from any of the defendants in Counts I, II, III and IV and these actions, including all four counts of the consolidated complaint, be dismissed on the merits and that defendants, the Board of Education of the City of Chicago and John Carey, Carey B. Preston, Margaret Wild, Thomas J. Nayder, Catherine Rohter, Edgar G. Epps, Carmen Velasquez, Louise Malis, Herbert Johnson, Henry McGee, James F. Redmond, Joseph P. Hannon, Guy Brunetti, Michael Wrenn, Thomas Finnegan, Bessie Lawrence, Angeline Caruso, Otho Robinson, Nina Jones, Vincent J. Conroy, Gerard J. Heing, William Rohan, and Shirley Stack recover of the plaintiff Anabel J. McCutcheon their costs and fees, and that execution issue therefor.

IT IS FURTHER ORDERED that wherever the defendant Board of Education of the City of Chicago is referred to by any other name in any pleading or testimony, the record be amended and that thereafter it be referred to as: "Board of Education of the City of Chicago."

So ordered,

/s/ George N. Leighton
George N. Leighton,
United States District Judge

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable George N. Leighton

Cause No. 76 C 4763 and 78 C 3894 Date Feb. 25,1980

Title of Cause Anabel J. McCutcheon
vs Board of Education City of Chicago, et a

Brief Statement of Motion

judgment order

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

Reserve space below for notations by minute clerk

FEB 28 1980

ORDERED that plaintiff Anabel J. McCutcheon take nothing from any of the defendants in counts 1,2,3 and 4 and these actions, including all four counts of the consolidated complaint, be dismissed on the merits and that defendants as listed in the judgment order attached hereto recover of the plaintiff Anabel J. McCutcheon their costs and fees, and that execution issue therefor.

FURTHER ORDERED that wherever the defendant Board of Education of the City of Chicago is referred to by any other name in any pleading or testimony, the record be amended and that thereafter it be referred to as: "Board of Education of the City of Chicago."

Draft

a memorandum to the Clerk.
will not rise to address the Court until motion has been called

JS6

B-7.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED
MAR 12 1980
H. STUART CUNNINGHAM, CLERK
UNITED STATES DISTRICT COURT

ANABEL J. McCUTCHEON,

Plaintiff,

vs.

CHICAGO BOARD OF EDUCATION
CHICAGO PRINCIPALS ASSOCIATION
Et Al.

Defendants.

CIVIL ACTION

NO. 76 C 4763

Consolidated 78 C 3894

THOMAS P. BROWN
Suite 1164:
121 North LaSalle (01)

NOTICE OF FILING

TO: RONALD S. COPE
ANCEL, GLINK, DIAMOND, MURPHY
111 West Washington Street
Chicago, Illinois 60602

Michael J. Murray
Earl Hoffenberg
228 North LaSalle Street
Chicago, Illinois 60601

Heineke and Schrader
135 South LaSalle Street
Chicago, Ill. 60602

Querrey, Harrow, Gulanik & Kenned
135 South LaSalle Street
Chicago, Illinois 60603

Please take notice that on the 12th day of March, 1980 Plaintiff filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, on her own behalf,

PLAINTIFF'S MOTION FOR A REHEARING

Anabel J. McCutcheon
ANABEL J. McCUTCHEON

CERTIFICATE OF SERVICE

I hereby certify that I served copies of the foregoing by mailing them to the addresses indicated, in the mail chute at the Chicago Central Post Office on Clark Street on the 12th day of March, 1980

Anabel J. McCutcheon
ANABEL J. McCUTCHEON

Apt. 3B: 1917 Tanglewood Drive
Glenview, Illinois 60025
328-1630

PLAINTIFF'S MOTION FOR A REHEARING

Now Comes the Plaintiff, ANABEL J. McCUTCHEON, *Pro Se,* to move this Honorable Court for a rehearing and reconsideration of the dismissal of the Union, Oct. 20, 1978 and other Defendants BEFORE TRIAL in view of the later testimony of Thomas Finnegan on Dec. 20, 1979:

That the Union represented male principal, Karl Siewers in Board Proceedings against him on his "misconduct" of accepting $10,000 in salary overpayments from Sept. 1, 1971 to Sept., 1977; and at the same time failed to represent Plaintiff on trivial misconduct charges and criminal charges brought in malicious prosecution after her acquital of the same charges in criminal and appellate courts; and failed to represent all female principals, District Three on their discriminatory reduction in salary, Sept. 1, 1971-Aug. 9, 1974: and inequitable classifications 1975.

That the Defendants Board of Education, the Board Attorneys, agents of the Court: MICHAEL J. MURRAY, EARL B. HOFFENBERG, AND PAUL H. HEINEKE suppressed this evidence, specifically charged in Plaintiff's Interrogatories and Deposition, July, August, 1977 and removed Defendant Witness Thomas Finnegan, politically appointed administrator, from the jurisdiction of the Court during November, 1979 following Plaintiff's notification for Defendants to be present at trial and in total disregard of the 24-hour ready call of the Court. That women adminsitrators are ordered to take their vacations during spring, Christmas, or summer vacation periods: so he was deliberately ordered out of Court jurisdiction in conspiracy to suppress his testimony against Defendants Conroy, Lawrence, Heing, and Rohan, who

granted Karl Siewers four "MERIT" raises above his classification; at the same time that they refused Plaintiff and other women principals, District Three—earned merit raises—and where upheld by their superiors (Redmond, Hannen) and the Board.

That Plaintiff filed RETALIATORY charges under the jurisdiction of 42 U.S.C. 2000—so recorded on the EEOC complaint, June 15, 1974 and by the Department of Justice in her "Right to Sue" Letter and the Court erroneously dismissed the charges against all individual Defendants BEFORE TRIAL on their allegations on "NO DISCRIMINATION ON THE BASIS OF HER SEX" ignoring RETALIATORY statutes in consolidated 78 C 3894 and consolidated and unconsolidated 78 C 3899; and denying Plaintiff's Offers of Proof of her wrongful dismissal, confiscation of property, harassment, and intimidation that is the pattern of the Defendant Board against minorities, who seek their civil rights through administrative agencies of FEPC, EEOC, DEPARTMENT OF LABOR, HEW.

That the Court erroneously accepted an affidavit of Samuel Dolnick that created evidence AFTER THE FACT to circumvent the rule of equal establishment: That the Board was also permitted to create evidence AFTER THE FACT to circumvent the rule of equal establishment by comparing principals' salaries of different dates, classifications, steps of service: and fabricating lower salaries for men and higher salaries for women THAT NEVER EXISTED: That the Defendant Board NEVER COMPARED THE MALE PRINCIPALS' SALARIES VS. THE FEMALE PRINCIPALS' SALARIES as per the specific charges naming male and female salaries and re-iterated in the Plaintiff's

answers to the Board And Union Interrogatories, Plaintiff's Deposition, 1977, and in the prima facie case the Court declared, Dec. 20, 1979:

That the Board Defendants never produced any evidence that the Administrative Compensation Plan was properly implemented by the classification review MANDATED EVERY YEAR from September 1, 1971 (pertinent testimony of the Board Defendant Witness, Mr. Sullivan);

That the Board Defendants never produced any evidence that the Adminstrative Compensation Plan was BONAFIDE or had any verified evaluation procedures to justify the higher pay of ALL THE MEN, District three including:

1. TEACHER WILLIAM BARTUCE with higher salary than Women Principals, 1974-1976;

2. TEACHER, AUDUBON ASSISTANT PRINCIPAL-TEACHER JOHN KULA, who failed the OBJECTIVE PRINCIPAL'S EXAMS (Twice) and then was placed in administrative charge (as principal) of the Audubon School by the subjective judgments of Defendants ROHAN, LAWRENCE, HANNON—in spite of the contempt of Court citations against the same LAWRENCE, HANNON in the UNION SUIT against the Defendant Board for placing UNQUALIFIED TEACHERS IN CHARGE OF SCHOOLS;

3. DEFENDANT DISTRICT SUPERINTENDENT GERARD J. HEING received higher pay above his HIGH SCHOOL PRINCIPAL CLASSIFICATION, Sept. 1, 1974—overpayments of salary THAT WERE NEVER RECOVERED (app. $5,000).

That Defendnats, to further suppress the overpayments of salary to men, District Three, deliberately withheld the discovery documents re: Karl Siewers, Gerard J. Heing, and FIGURES OF SALARY OF WILLIAM BARTUCE, alleging that he was not an administrator until 1979: which is fabricated and created evidence AFTER THE FACT of his higher salary, 1974-1976 than women principals, Anabel McCutcheon, Beatrice Cox.

That Plaintiff was denied any discovery and the Court File in the Judge's Chambers on Nov. 3, 1978 by Judge George N. Leighton because of a pre-trial order and briefing on the consolidation of three separate causes 78 C 3894, 78 C 3899, and 78 C 3955 before the latter three cases were transferred to his jurisdiction Nov. 8, 9th.

That Board Defendants (ROHAN, LAWRENCE, HANNON) harassed and intimidated PLAINTIFF'S FEMALE WITNESSES by transferring them—instead of male teachers of lessor seniority, June 16, 1977 to the supervision of Karl Siewers:

That subsequently one Nancy Gottlieb was denied the right to return to Audubon when these transfers were held discriminatory because of age; was forced to take her sick leave and resign because of improper class assignment by the principal of the Blaine, Karl Siewers; and is now threatened with dismissal by Defendants because her name appeared on the list of witnesses for this cause, Dec. 17th.

That all Board Defendants are the recipients of ILLEGALLY TRANSFERRED FUNDS (in the form of Attorneys' fees and Counsel) and are attempting to extort attorneys' fees from the Plaintiff by placing an order for attorneys' fees in the final judgment order that was in-

consistent with the ruling of the Court. That Plaintiff put on a prima facie case; Defendant Attorneys were paid by the Board without contract made in public open meetings; that Plaintiff is not responsible for any unpaid obligations of the Board in the conduct of their indiscretions.

That Defendant Attorneys should be reprimanded, dismissed for this legal trickery of double billing and wasting the time of the Court.

Wherefore, Plaintiff, respectfully requests a rehearing, reconsideration, and reversal of the judgment dismissing the Union and the Borad Defendants:

ANABEL J. McCUTCHEON

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

B-3

Name of Presiding Judge, Honorable George N. Leighton

B-3

Cause No. 76 C 4763 Date March 21, 1980

Title of Cause Anabel J. McCutcheon v. Chicago Board of Education, et al.

Brief Statement of Motion Ruling of the Court on plaintiff's Motion for a Rehearing

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

Reserve space below for notations by minute clerk

Plaintiff's motion that the court grant a rehearing and reconsideration of the October 20, 1978 order dismissing " the Union ", which motion was filed March 14, 1980, final judgment in this cause having been entered on February 25, 1980, is denied without expression of any view concerning its timeliness. See Browder v. Director, Dept. of Corrections, 98 S. Ct. 556. After reviewing plaintiff's allegations, it appears plaintiff seeks the opportunity to reargue the case this court has heard thoroughly, and to which careful attention has been paid to each of plaintiff's many claims.

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

IN THE UNITED STATES SUPREME COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

MAR 31 1980

H. Stuart Cunningham, Clerk
United States District Court

ANABEL J. McCUTCHEON,

Plaintiff,

vs.

CHICAGO BOARD OF EDUCATION
CHICAGO PRINCIPALS ASSOCIATION
Et Al.

Defendants.

CIVIL ACTION

NO. 76 C 4763

THOMAS P. BROWN
Suite 1164: 221 N. LaSalle
CHICAGO, ILLINOIS 60601

NOTICE OF FILING

TO: RONALD S. COPE
ANCEL, GLINK, DIAMOND, MURPHY
111 West Washington Street
Chicago, Illinois 60602

Michael J. Murray
Earl Hoffenberg
228 North LaSalle Street
Chicago, Illinois 60601

Heineke and Schrader
135 South LaSalle Street
Chicago, Ill. 60602

Querrey, Harrow, Gulanik & Kennedy
135 South LaSalle Street
Chicago, Illinois 60603

Please take notice that on the 31st day of March, 1980 Plaintiff filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, on her own behalf,

NOTICE OF APPEAL

ANABEL J. McCUTCHEON

CERTIFICATE OF SERVICE

I hereby certify that I served copies of the foregoing by mailing them to the addresses indicated, in the mail chute at the Chicago Central Post Office on Clark Street on the 31st day of March, 1980

ANABEL J. McCUTCHEON

Apt. 3B: 1917 Tanglewood Drive
Glenview, Illinois 60025
328-1630

33

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NOTICE OF APPEAL

NOW COMES the plaintiff, ANABEL J. McCUTCHEON, *Pro Se*, to file NOTICE OF APPEAL of the Judgment Order of the HONORABLE JUDGE GEORGE N. LEIGHTON, *Feb. 25, 1980 docketed *Feb. 28, 1980. The Plaintiff's petition for rehearing being denied March 21, 1980, not docketed by the Clerk of the Court, received March 28, 1980 by improper mailing by Clerk.

THAT THE COURT ERRED IN THIS RULING, MARCH 21, 1980:

1. "That this cause was entered on *Feb. 25, 1980" because this cause was entered *Feb. 28, 1980 and a timely petition for rehearing was filed by Plaintiff. March 12, 1980 not March 14, 1980.

2. "That Plaintiff seeks opportunity to reargue the case this Court heard thoroughly" because

a) Plaintiff was denied 14 subpoenaed witnesses (who kept witness fees not awarded by the Court and never appeared at any time)

b) was denied full cross-examination of male Defendants Conroy, Heing, and Rohan on their granting merit pay raises to KARL SIEWERS, in overpayments of salary $10,000;

c) Plaintiff was denied the impeachment of Defendant Witness THOMAS FINNEGAN for covering up these overpayments, July, 1977-Dec. 20, 1979; for leaving the jurisdiction of the Court for a frivolous vacation, Nov. 1-13, 1979 DURING TRIAL CALL; and for falsifying

salaries, dates of salaries WITHOUT ANY EVIDENCE: CHARLES PACE, male principal v. BEATRICE COX, female principal; JACOB SAMUELSON, male principal v. FRANCES KNAPHURST, female principal; ANABEL J. McCUTCHEON, BETTY GORMAN female principals for whom he created salaries of $28,000 and $30,000 NEVER RECEIVED.

Wherefore, Plaintiff appeals the Judgment Orders, Rulings:

1) Denial of Rehearing, March 21, 1980 of Final Judgment Order, Feb. 28;

2) Judgment Order dismissing Defendants, Count IV, March, 1978;

3) Judgment Order dismissing the Chicago Principals Association, Oct. 20, 1978;

4) Consolidation Order, Nov. 3, 1978 before transfer Nov. 8, 1978;

5) Order Denying Plaintiff Jury Trial 78 C 3894 by reason of consolidation, Jan. 19, 1979;

6) Ruling Denying Change of Venue, Nov. 2, 1979;

7) Order of Presentation of Evidence, Dec. 17, 1979.

Anabel J. McCutcheon

CIRCUIT RULE 5. Appearance and Certificate of Interest

(a) *Appearance.* An attorney for a party to an appeal or a party desiring to appear without counsel must file a written appearance with the clerk within 10 days after the docketing of the appeal. An attorney retained or appointed after that time shall file an additional appearance within 10 days after being retained or appointed. *The appearance shall be captioned in the case and shall include the name of the party or parties represented* and the name, address, and telephone number of the attorney or the party appearing *pro se.* Attorneys' appearances shall be in their individual names but shall also show the name of any law firms or public or quasi-public legal offices with which they are associated. Copies of court notices, orders, or opinions will be sent to persons who have filed appearances at their law firms or the legal offices with which they are associated. An attorney may not withdraw from the representation of a party without consent of the court.

DOCKETED
APR 15 1980

C-1

APPEARANCE FORM

UNITED STATES COURT OF APPEALS

for the Seventh Circuit
Chicago, Illinois 60604

Cause No. 80-1482

ANABEL J. McCUTCHEON,

U.S.C.A. - 7th Circuit
FILED

Plaintiff-Appellant,

DOCKETED

APR 23 1980

vs.

THE BOARD OF EDUCATION CITY OF CHICAGO, et al.,

Defendants-Appellees.

The Clerk will enter appearance as counsel for Defendants-Appellees

1) Michael J. Murray (Signature)

Michael J. Murray (Typed Name)

Law Dept., Board of Education (Law Firm or Legal Office)

228 North LaSalle, Chicago, IL 60601 (Address)

641-3900 (Phone Number)

2) Paul H. Heineke (Signature)

Paul H. Heineke (Typed Name)

Heineke, Burke & Healy (Law Firm or Legal Office)

135 South LaSalle, Chicago, IL 60603 (Address)

236-6655 (Phone Number)

3) James Scanlon (Signature)

James Scanlon (Typed Name)

Law Dept., Board of Education (Law Firm or Legal Office)

228 North LaSalle, Chicago, IL 60601 (Address)

641-3900 (Phone Number)

4) Thomas P. Brown (Signature)

Thomas P. Brown (Typed Name)

(Law Firm or Legal Office)

221 No. LaSalle, Chicago, IL 6060 (Address)

644-3220 (Phone Number)

1. This form shall serve as notice of docketing to counsel and parties. The date of docketing appears at the upper left-hand corner of this form. *A copy of this form is also being sent to the District Court Clerk and to the Court Reporter, so that they may note the appellate docket number and the date of docketing.*

2. This form (or a facsimile) must be filed with the Clerk of the Court of Appeals within 10 days of docketing the appeal. An attorney's appearance shall be in his individual name but shall also show the name of any law firm or public or quasi-public legal office with which he is associated. See Circuit Rule 5.

3. An attorney may enter his appearance in an appeal without being admitted to the Bar of this Court. However, if he is to argue the appeal, he must be admitted no later than the date such appeal is scheduled for oral argument.

4. The record on appeal may not be withdrawn, by the attorney or his agent, until this "Appearance Form" has been filed with the Clerk. Even then, exhibits may not be withdrawn except by order of this court. Briefs will not be filed unless all of the records previously withdrawn has been returned. See Circuit Rule 4(g).

5. Pursuant to Circuit Rule 4(b), the appellant's brief is due to be filed 40 days after the docketing of the appeal, unless the Court by order, sets some other schedule. The record, with or without the court reporter's transcript, is to be filed within 14 days after the filing of the notice of appeal unless otherwise ordered by this court. See Circuit Rule 4(a).

DOCKETED
APR 16 1980

C-2

APPEARANCE FORM

UNITED STATES COURT OF APPEALS
for the Seventh Circuit
Chicago, Illinois 60604

Cause No. 80-1482

ANABEL J. McCUTCHEON,

Plaintiff-Appellant,

vs.

DOCKETED

THE BOARD OF EDUCATION CITY OF CHICAGO, et al.,

Defendants-Appellees.

The Clerk will enter appearance as counsel for Defendants-Appellees

1) Michael J. Murray
(Signature)

Michael J. Murray
(Typed Name)

Chicago Board of Education
(Law Firm or Legal Office)

228 North LaSalle Street
Chicago, Ill (Address) 60601

641-3900
(Phone Number)

DOCKETED

(Signature)

(Typed Name)

(Law Firm or Legal Office)

(Address)

(Phone Number)

2) (Signature)

(Typed Name)

(Law Firm or Legal Office)

(Address)

(Phone Number)

4) (Signature)

(Typed Name)

(Law Firm or Legal Office)

(Address)

(Phone Number)

U.S.C.A. - 7th Circuit
FILED
APR
THOMAS F. STRUBBE
CLERK

1. This form shall serve as notice of docketing to counsel and parties. The date of docketing appears at the upper left-hand corner of this form. *A copy of this form is also being sent to the District Court Clerk and to the Court Reporter, so that they may note the appellate docket number and the date of docketing.*

2. This form (or a facsimile) must be filed with the Clerk of the Court of Appeals within 10 days of docketing the appeal. An attorney's appearance shall be in his individual name but shall also show the name of any law firm or public or quasi-public legal office with which he is associated. See Circuit Rule 5.

3. An attorney may enter his appearance in an appeal without being admitted to the Bar of this Court. However, if he is to argue the appeal, he must be admitted no later than the date such appeal is scheduled for oral argument.

4. The record on appeal may not be withdrawn, by the attorney or his agent, until this "Appearance Form" has been filed with the Clerk. Even then, exhibits may not be withdrawn except by order of this court. Briefs will not be filed unless all of the records previously withdrawn has been returned. See Circuit Rule 4(g).

5. Pursuant to Circuit Rule 4(b), the Appellant's brief is due to be filed 40 days after the docketing of the appeal, unless the Court by order, sets some other schedule. The record, with or without the court reporter's transcript, is to be filed within 14 days after the filing of the notice of appeal unless otherwise ordered by this court. See Circuit Rule 4(a).

C-3

APPEARANCE FORM

UNITED STATES COURT OF APPEALS
for the Seventh Circuit
Chicago, Illinois 60604

Cause No. 80-1482

ANABEL J. MC CUTCHEON

vs.

CHICAGO BOARD OF EDUCATION, CHICAGO PRINCIPALS ASSOCIATION, ETC., ET AL.

The Clerk will enter appearance as counsel for Chicago Principals Association
(Please signify party(ies) you represent)

1) Ronald S. Cope
(Signature)
Ronald S. Cope
(Typed Name)
Ancel, Glink, Diamond & Murphy, P.C.
(Law Firm or Legal Office)
180 N. LaSalle St., Chicago, Ill. 60601
(Address)
(312) 782-7606
(Phone Number)

2) Peter M. Rosenthal
(Signature)
Peter M. Rosenthal
(Typed Name)
Ancel, Glink, Diamond & Murphy, P.C.
(Law Firm or Legal Office)
180 N. LaSalle St., Chicago, Ill. 60601
(Address)
(312) 782-7606
(Phone Number)

3) _____
(Signature)
_____
(Typed Name)
_____
(Law Firm or Legal Office)
_____
(Address)
_____
(Phone Number)

4) _____
(Signature)
_____
(Typed Name)
_____
(Law Firm or Legal Office)
_____
(Address)
_____
(Phone Number)

U.S.C.A. - 7th Circuit
Received in Clerk's Office
MAY 26 1980
THOMAS F. STRUBLE
CLERK

This form shall serve as notice of docketing to counsel and parties. The date of docketing appears at the upper left-hand corner of this form. If this appeal was docketed without prepayment of the required docketing fee ($50.00), it will be dismissed in 14 days, per Circuit Rule 26(c), if such fee has not been paid.

Pursuant to Circuit Rule 5 this form (or a facsimile) must be filed with the Clerk within 10 days of dockting the appeal.

An attorney may enter his appearance in an appeal without being admitted to the Bar of this Court. However, if he is to argue the appeal, he must be admitted no later than the date such appeal is scheduled for oral argument.

The record on appeal may not be withdrawn (by the attorney or his agent) until this "Appearance Form" has been filed with the Clerk. Even then, exhibits may not be withdrawn. Briefs will not be filed unless all of the record previously withdrawn has been returned. See Circuit Rule 4(g).

An attorney's appearance shall be in his individual name but shall also show the name of any law firm or public or quasi-public legal office with which he is associated. See Circuit Rule 5.

The Appellant's brief is due to be filed 40 days after the filing of the record on appeal, unless the Court, by order, sets some other schedule. Such time will be computed from the filing of the initial record, whether or not a supplement is filed at a later date. See Circuit Rule 8.

UNITED STATES COURT OF APPEALS
For The Seventh Circuit
Chicago, Illinois 60604

D. 1

June 18, 1980

By the Court:

On consideration of the "MOTION OF DEFENDANTS-APPELLEES TO SUPPLEMENT THE RECORD ON APPEAL AND MOTION OF DEFENDANTS-APPELLEES FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A BRIEF" filed herein on June 16, 1980 by counsel for the defendants-appellees,

IT IS ORDERED that the time for filing the defendants-appellees' brief is extended up to and including July 11, 1980.

IT IS FURTHER ORDERED that the pro se plaintiff-appellant is directed to file a response to the defendants-appellees' motion to supplement the record on appeal by June 30, 1980.

UNITED STATES COURT OF APPEALS
For The Seventh Circuit
Chicago, Illinois 60604

D - 2

June 23, 1980

By the Court:

Upon consideration of the "MOTION OF DEFENDANT APPELLEE CHICAGO PRINCIPALS ASSOCIATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE ITS BRIEF" filed herein on June 19, 1980 by counsel for defendant-appellee Chicago Principals Association,

IT IS ORDERED that said motion is hereby GRANTED, and the time for filing the brief of defendant-appellee Chicago Principals Association is hereby extended to and including July 18, 1980.

UNITED STATES COURT OF APPEALS
For The Seventh Circuit
Chicago, Illinois 60604

July 14, 1980

D-3

Before

Hon. Robert A. Sprecher, Circuit Judge
Hon. William J. Bauer, Circuit Judge
Hon. Harlington Wood, Jr., Circuit Judge

On consideration of the "PLAINTIFF'S MOTION FOR A REHEARING" filed herein on June 30, 1980 by the pro se plaintiff-appellant,

IT IS ORDERED that said motion is hereby DENIED.

UNITED STATES COURT OF APPEALS
For The Seventh Circuit
Chicago, Illinois 60604

July 23, 1980

Before
Hon. William J. Bauer, Circuit Judge

Upon consideration of "PLAINTIFF'S MOTION TO STRIKE WITH PREJUDICE, ATTORNEY THOMAS BROWN'S INACCURATE RESPONSE TO DEFENDANTS-APPELLEES' MOTION TO DISMISS IN CASE" filed herein on June 30, 1980 by pro se plaintiff-appellant Anabel J. McCutcheon,

IT IS ORDERED that said motion is hereby DENIED.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable GEORGE N. LEIGHTON

Cause No. 76 C 4763 Date April 11, 1980

Title of Cause McCUTCHEON V. BOARD OF EDUCATION, CITY OF CHICAGO

Brief Statement of Motion MOTION TO RECONSTRUCT, AMEND, CERTIFY THE 76 C 4763 File

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel
ANABEL J. McCUTCHEON
Apt. 3B: 1917 Tanglewood Drive
Glenview, Ill. 60025
328-1630 REPRESENTING HERSELF

RECEIVED
APR 25 1980
M. STUART GUNNING, CLERK
UNITED STATES DISTRICT COURT

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

~~MICHEAL J. MURPHY~~
CHICAGO BOARD OF EDUCTAION
~~228 North LaSalle Street (01)~~

~~THOMAS P. BROWN~~
221 N. LaSalle Street
~~Chicago 60601~~

~~PAUL H. HEINEKE~~
135 South LaSalle
~~Chicago, Ill. 60603~~

Ron Cope
Ancel, Clink, Diamond Murphy
~~180 North LaSalle~~
Chicago, Ill. 60602

Querrey, Harrow, Gulanik & Kennedy
~~135 South LaSalle Street~~
Chicago, Illinois 60603

[illegible]
[illegible]
[illegible]

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

E-1 E-1

Name of Presiding Judge, Honorable GEORGE N. LEIGHTON

Cause No. 76 C 4763 Date April 4, 1980

Title of Cause McCUTCHEON V. BOARD OF EDUCATION, CITY OF CHICAGO

Brief Statement of Motion MOTION TO RECONSTRUCT, AMEND, CERTIFY THE 76 C 4763 File

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel
ANABEL J. McCUTCHEON
Apt. 3B: 1917 Tanglewood Drive
Glenview, Ill. 60025
328-1630 REPRESENTING HERSELF

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

~~MICHEAL J. MURRAY~~
CHICAGO BOARD OF EDUCTAION
~~228 North LaSalle Street (01)~~

THOMAS P. BROWN
221 N. LaSalle Street
~~Chicago 60601~~

~~PAUL H. HEINEKE~~
~~135 South LaSalle~~
~~Chicago, Ill. 60602~~

Ron Cope
Ancel, Clink, Diamond Murphy
~~180 North LaSalle~~
Chicago, Ill. 60602

Querrey, Harrow, Gulanik & Kennedy
~~135 South LaSalle Street~~
Chicago, Illinois 60603

~~[illegible]~~
~~[illegible]~~
~~[illegible]~~ Jon
~~[illegible]~~ 60602

Reserve space below for notations by minute clerk

Plaintiff's motion is granted to the extent that the Clerk of this court, with the cooperation of counsel for defendants, can assist the plaintiff who proceeds pro se, to complete the record for the appeals she is seeking to perfect.

Leighton J.

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

IN THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

E-2

ANABEL J. McCUTCHEON, Plaintiff--Appellant	76 C 4763
V.	Title VII Equal Pay Suit for Women Principals
CHICAGO BOARD OF EDUCATION, Et. Al.	Consolidated Count II
CHICAGO PRINCIPALS ASSOCIATION, AFL-CIO	
Defendants.- Appellees	78 C 3694 Wrongful Teacher Dismissal

PLAINTIFF'S MOTION TO EXTEND THE TIME OF FILING THE RECORD ON APPEAL

Now Comes the Plaintiff-Appellant to move this Honorable Court to extend the time of filing the record on Appeal until Monday, April 21, 1980 in order that Defendants can have time to comply with the order of Judge Leighton, granting I-A's motion for reconstruction, amendment and certification of transcript record.

U.S.C.A. - 7th Circuit
Received In Clerk's Office
APR 11 1980
THOMAS F. STRUBBE
CLERK

Apt. 3F: 1917 Tanglewood Drive
Glenview, Illinois 60025
312-324-1630

CERTIFICATE OF FILING

I hereby certify that I served copies of the above motion by mailing them to the addresses indicated of record in this cause, 76 C 4763, in the mail chute at the Glenview Post Office on the 12th day of April, 1980.

ANABEL J. McCUTCHEON

45

United States Court of Appeals 15

For the Seventh Circuit
Chicago, Illinois 60604

E, F
E-3

April 17, 19 80

By the Court:

ANABEL J. McCUTHEON,
Plaintiff-Appellant,

No. 80-1482 vs.

THE BOARD OF EDUCATION, CITY OF CHICAGO, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division

Nos. 76-C-4763 & 78-C-3894
George N. Leighton, Judge

On consideration of the "MOTION FOR EXTENSION OF TIME" filed herein on April 15, 1980,

IT IS ORDERED that said motion is hereby GRANTED and the time for filing the record on appeal is extended up to and including April 21, 1980.

46

UNITED STATES DISTRICT COURT
EVERETT McKINLEY DIRKSEN BUILDING
UNITED STATES COURT HOUSE
CHICAGO 60604

H. STUART CUNNINGHAM
CLERK

OFFICE OF THE CLERK

April 17, 1980
(Date)

F

Hon. Thomas F. Strubbe, Clerk
U. S. Court of Appeals
for the Seventh Circuit
219 South Dearborn Street
Room 2722
Chicago, Illinois 60604

Re: ANABEL J. MC CUTCHEON v THE BOARD OF EDUCATION ETC ET A

D. C. Docket No: 76 C 4763 & 78 C 3894

U.S.C.A. Docket No: 80-1482

Dear Mr. Strubbe:

I am sending you herewith the original/supplemental (delete inapplicable entry) record on appeal. It consists of the following:

Three (3) Volumes ~~of Pleadings~~ Two(2) vols in 76 C 4763) One(1) vol in 78 C 3894

Twenty-four (24) Volumes of Transcript

_____ Volumes of Depositions

Exhibits: _____

_____

_____

Impounded Exhibits: _____

OTHER (specify): _____

Please acknowledge date of receipt of the above-mentioned materials on the attached copy of this letter.

47

Very truly yours,

H. STUART CUNNINGHAM, Clerk

DC 111A
(Rev. 1/79)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 78 C 4703
Mc Cutchcon	City of Chgo. Bd. of Ed. et al	PAGE 11 OF PAGES

DATE	NR.	PROCEEDINGS
11-22-78	64	Filed defendant, City of Chgo. Board of Education's First Amended Answer to First Amended Complaint. af
~~11-24-78~~		~~Filed plaintiff's Designation of Record on Appeal 12-11-24-78 with attachment.~~ af
~~12-21-78~~		~~Filed U.S.C.A. #78-2538.~~ af
~~1-11-79~~		~~Enter order dated 1-8-79. It is ordered that this cause is set for a status hearing on January 19, 1979 at 1 p.m. LEIGHTON, J~~ Mailed notices 1-11-79 af
1-10-79	SC	Clerk's file copy of transcript of proceedings had before Judge Leighton on 11-3-78 and 11-17-78 filed by official court reporter. (2 volumes). af
~~1-22-79~~		~~Enter order dated January 19, 1979. STatus hearing held. Leighton, J.~~ ~~Notices mailed 1-22-79~~ ~~jm~~
2-23-79	SC	Filed 2-22-79 Clerk's file copy of transcript of proceedings had before the Hon. George N. Leighton on January 19, 1979, filed by the official court reporter. jm
4-5-79		Filed 4-4-79, certified copy of order from U.S.C.A. 7th Circuit dated 2-22-79 RE: It is ordered that appeal no 78-2538 is hereby DISMISSED in accordance with F.R.of A. P. 42 (b). Appeal no. 78-2467 is an appeal from a grant of summary judgment in favor of one defendant, Chgo. Principals Assoc. etc. The remainder of the action was not dismissed or otherwise terminated. In the absence of a determination be the district court under F.R.Civ.P 54(b), such order is not appealable. Therefore, IT IS ORDERED that Appeal no. 78-2467 is hereby DISMISSED for lack of jurisdiction. It is further ordered that all relief sought in other motions in these two appeals is hereby DENIED as moot.
4-5-79		Received 4-4-79 returned record on appeal consisting of One short record. af
4-20-79		Filed 4-20-79, plaintiff's notice of filing; plaintiff's first set of exhibits for trial.
4-20-79		Filed 4-20-79, plaintiff's documents marked exh. C ($5) secured by rubber band.
4-20-79		Filed 4-20-79, copy of petition for writ of mandamus for an injunction and other relief; attachment.
4-20-79		Filed 4-20-79, documents titled administrative Basic Salary Schedule ($4) bound by rubber band.
4-20-79		Filed 4-20-79, documents titled principals' salary schedule; attachments ($3) bound by rubber band.
4-20-79		Filed 4-20-79, documents entitled administrative compensation plan ($2) bound by rubber band.
4-20-79		Filed -420-79, unlisted documents (Aug 1974) ($1) bound by rubber band. af

• continued

DC 111A
(Rev. 1 75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 76 C 4763
MC CUTHEON	CITY OF CHICAGO BD OF ED	PAGE 20

DATE	NR.	PROCEEDINGS
~~2-1-80~~		~~Filed large brown folder marked Defendants Exhibits from firm of Wayne A. Burke and Wool~~
		~~(Placed in Vault)~~
2/6/80	103	Filed 1/31/80 Defendant's objections to plaintiff's submitted findings of fact
2/6/80	104	Enter order dated 1/31/80: The court makes findings of fact, conclusions of law and judgment from the bench. Defendants to tender judgment order consisten with courts ruling. LEIGHTON, J.
		~~Mailed notices 2/6/80~~
2-28-80	105	Enter order dated 2-25-80; ORDERED that plaintiff Anabel J. McCutcheon take nothing from any of the defendants in counts 1,2,3 and 4 and these actions, including all four counts of the consolidated complaint, be dismissed on the merits and that defendants as listed in the judgment order attached hereto recover of the plaintiff Anabel J. McCutcheon their costs and fees, and that execution issue therefor. FURTHER ORDERED THATwhereever the defendant Board of Education of the City of Chicago is referred to by any other name in any pleading or testimony, the record be amended and that thereafter it be referred to as; "Board of Education of the City of Chicago." (DRAI LEIGHTON, J
		Notices mailed 2-28-80 JS6
		Enter judgment February 25, 1980 pursuant of rule 58. By the cle
~~3-18-80~~		~~Enter order dated 3-14-80; Plaintiff's motion for rehearing on dismissal of union is entered and continued to April 4, 1980 at 9 a.m.~~
		~~LEIGHTON, J~~
		~~Notices mailed 3-18-80~~
3-19-80	106	Filed 3-14-80 Notice of filing: Plaintiffs motion for a rehear
3-25-80	107	Enter order dated March 21, 1980: Plaintiff's motion that the court grant a rehearing and reconsideration of the October 20, order dismissing "the Union", which motion was filed March 14, final judgment in this cuase having been entered on February 25 is denied without expression of any view concerning its timelir See Browder v. Director, Dept. of Corrections 98 S. Ct. 556. A viewing plaintiff's allegations, it appears plaintiff seeks th opportunity to reargue the case this court has heard thoroughl to which careful attention has been paid to each of plaintiff' many claims. - LEIGHTON, J.
		~~Mailed notices 3-25-80~~

continued

49

DC 111A
(Rev. 1 75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	76 C 4763
MC CUTCHEON	BD OF ED	DOCKET NO PAGE 21 OF

DATE	NR	PROCEEDINGS
4-7-80	108	Filed 4-4-80 Plaintiff's motion to reconstruct the complete 76 C 4763 file.
4-7-80	109	Enter order dated 4-4-80; Plaintiff's motion is granted to the extend that the Clerk of this court, with the cooperation of counsel for defendants, can assist the plaintiff who proceeds pro se, to complete the record for the appeals she is seeking to perfect. LEIGHTON, J Notices mailed 4-7-80 tlc
4-7-80	110	Filed 4-4-80 Plaintiff's motion for a temporary restraining order against Attorney John B. Schwartz.
4-7-80		Enter order dated 4-4-80; Plaintiff's motion is denied. John B. Schwartz is not a party to these proceedings. LEIGHTON, J Notices mailed 4-7-80 tlc
4-7-80	111	Enter order dated 4-4-80; Plaintiff's motion is denied. This court has on a number of previous occasions states its reasons for dismissing the Union from this case. LEIGHTON, J Notices mailed 4-7-80 tlc
4-8-80	112	Filed 3-31-80 Plaintiff Anabel McCutcheon USDC notice of Appeal. ($70.00 pd) tlc
~~4-8-80~~		~~Mailed 4-8-80 Copy of Notice of Appeal, Anabel McCutcheon, Paul H. Heinsic Thomas Brown, Michael J. Murray, Thomas P. Brown.~~ ~~tlc~~
~~4-8-80~~		~~Forwarded 4-8-80 Copy of Notice of Appeal, Seventh Circuit Appeal Information Sheet, and copy of Docket to U.S.C.A., 7th Circuit.~~ ~~tlc~~

50

DC 111A
(Rev. 1/73)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 78-3894
MC CUTCHEON	BOARD OF EDUCATION ET AL	PAGE 7 OF __ PAGES

DATE	NR.	PROCEEDINGS
1/22/80		Enter order dated 1/21/80: Trial resumes. Closing arguments concluded. Parties submitted proposed findings of fact and conclusions of law. Plaintiff tenders to the court all exhibits which have been admitted. Said exhibits are in a small [redacted]file box. Clerk directed to keep exhibits in exhibit room until further order of court. The court will rule on January 24, 1980 at 5:30 p.m. LEIGHTON, J.
SEE 76 C 4763		Mailed notices 1/22/80 ep
~~1/22/80~~		~~Received 1 small metal box containing exhibits of Plaintiff (box not locked)~~ ep
1/31/80		Enter order dated 1/24/80: Trial resumes. Plaintiff'smotion to strike proposed findings of fact 78C3894 of defendant attorney Brown is denied. Plaintiff's motion for a judgment in her favor against the Board in count 2, 78C3894 is denied. Plaintiff's motion to vacate order of dismissal of individual defendants or in the alternative a rehearing re-trial by jury is denied. Plaintiff's motion to strike defendants exhibits as inadmissible is denied. Plaintiff's motion for a declaratory judgment against the Board in counts 1 and 3 is denied. Plaintiff's motion to vacate order of dismissal of all defendants count 4 is denied. Plaintiff's motion for a judgment of punitive and emotional damages against defendants Finnegan, his superior; Brunetti and Hannon is denied. LEIGHTON, J.
SEE 76 C 4763		Mailed notices 1/31/80 ep
2/6/80		Enter order dated 1/31/80: The court makes findings of fact conclusions of law and judgment from the bench. Defendants to tender judgment order consistent with court's ruling. LEIGHTON, J.
76 C 4763		Mailed notices 2/6/80 ep
2/27/80		Enter order dated 2/25/80: ORDERED that plaintiff Anabel J. McCutcheon take nothing from any of the defendants in counts 1,2,3 and 4 and these actions, including all four counts of the consolidated
	29	complaint, be dismissed on the merits and that defendants as listed in the judgment order attached hereto recover of the plaintiff Anabel J. McCutcheon their costs and fees, and that execution issue therefor. FURTHER ORDERED that wherever the defendant Board of Education of the City of Chicago is referred to by any other name in any pleading or testimony, the record be amended and that thereafter it be referred to as: "Board of Education of the City of Chicago." DRAFT LEIGHTON, J.
		Mailed notices 2/27/80 (JS-6) ep
2/27/80		Enter 2/25/80 judgment pursuant to Rule 58 — BY THE CLERK ep
		(document in file 76C4763)

continued

51

DC 111A
(Rev. 1/78)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 78C3894
MC CUTCHEON	BOARD OF EDUCATION ET AL	PAGE 8 OF __ PAGES

DATE	NR.	PROCEEDINGS
4/8/80	30	Filed 4/4/80 Plaintiff's motion to reconstruct the complete 76 C 4763 file
4/8/80	31	Enter order dated 4/4/80: plaintiff's motion is granted to the extent that the Clerk of this court, with the cooperation of counsel for defendants, can assist the plaintiff who proceeds pro se, to complete the record for the appeal she is seeking to perfect. LEIGHTON, J. Mailed notices 4/8/80 ep

MOTION

Now comes the Plaintiff, ANABEL J. McCUTCHEON, and petitions this Honorable Court for a temporary restraining Order or preliminary injunction ordering the Defendant, CITY OF CHICAGO BOARD OF EDUCATION and its General Superintendent, lesser superintendents, employees, and agents to reinstate her to her position as principal of the Audubon School, with full pay, vacation-, sick-, and business-leave, all rights and duties until the Equal Employment Opportunity Commission has had an opportunity to investigate and report to this Court its findings of sex discrimination, deprivation of her rights under Title VII of the Civil Rights Act of 1964, as amended, and the Thirteenth Amendment to the United States Constitution and the Fourteenth Amendment to the United States Constitution as it applies to the body politic of the State of Illinois.

The Plaintiff complains that there has been a conspiracy by the City of Chicago Board of Education, its Board members, lesser superintendents, employees, agents to deprive the Plaintiff of her rightful compensation by the Board's conduct and said conspiracy has been in existence since the implementation of the Chicago Board of Education Administrative Compensation Plan (71-270) on September 1, 1971.

That the Defendant City of Chicago Board of Education, its Board members, General Superintendent, lesser superintendents, employees and agents have sought to resist Plaintiff's claim for just and due compensation and have failed to cooperate with the Equal Employment Opportunity Commission in the investigation of her case and that the Equal Employment Opportunity Commission has not carried on an investigation based on her Com-

plaint and Plaintiff is hereby being deprived of her rights secured by Title VII of the Civil Rights Act of 1964, and all other rights heretofore referred to.

The General Superintendent of the City of Chicago Board of Education, acting on behalf of the Board of Education and the Board of Education have suspended the Plaintiff from her principalship in the Audubon School since September 7, 1976, based upon wrongfully brought charges and in retaliation for her administrative complaints, grievances under Union contract (as per the Memorandum of Understanding and salary appeals under the Plan [71-720] regarding equal pay and regarding her complaints listed as discriminatory practices in Paragraph 12, sub-paragraphs A, B, C, D, F, G and H of her Statement of Claim.

That the General Superintendent and the various lesser superintendents involved in these discriminatory practices have denied her her rights under the aforesaid Civil Rights Act of 1964 and by their conduct in failing to respect procedural and substantive due process rights afforded her under the United States Constitution and rights afforded her under the Thirteenth and Fourteenth Amendments to the United States Constitution.

That the Plaintiff, in pursuing her rights, grievances and appeals as an employee of a body politic and corporate division of the State of Illinois, has been deprived of her rights by the conduct of the General Superintendent, lesser superintendents, employees and agents of the Board of Education, by their perfunctory denial of each and every administrative complaint, grievance and appeal for redress with regard to her compensation, concerning the discriminatory practices as outlined in her Statement of Claim in Paragraph 12, sub-paragraphs A, B, D, F, G and H.

That a list of ten charges for suspension was served on the Plaintiff and that her suspension in September of 1976 and her suspension hearings have been conducted by a Trial Committee of the Board of Education, consisting of Defendants herein, CAREY B. PRESTON, HENRY McGEE, MARGARET LYDON WILD and LOUISE MALIS (Alternate) and have currently been continued to May 16, 1977, after numerous hearings in which approximately 1,200 pages of testimony and argument have been presented by a prosecuting Chicago Board of Education attorney on behalf of the General Superintendent to the Trial Committee, with the exception of one Trial Committee member, HENRY McGEE, who has been absent for most of the hearings.

That the Plaintiff believes her suspension grew out of her complaints (73 CH 1355--Pre-Trial call September 1, 1976) grievances (confiscated vacation April through August 1976), demands and requests for adequate compensation, vacation, sick leave as a female principal equal to male principals in her Superintendent's School District Three.

As a result of her pursuing her rights for equal pay with her male counterparts under the Performance Appriasal Plan (PAP) (71-270), the Defendant City of Chicago Board of Education, Board members, the General Superintendent, lesser superintendents, employees and agents of the Board of Education have retaliated by causing her suspension without pay, vacation-, sick-, and business-leave, pension rights and tax sheltered annuity privileges previously afforded her as Principal of the Audubon School.

In addition, the General Superintendent, through the defendant Assistant Superintendent of Personnel, Dr. Nina Jones, has refused her a teacher's conditional employment under the Chicago Board of Education Rules, Section 4-21a, although Plaintiff holds three valid teaching certificates and Defendant has refused to recognize both the Plaintiff's teacher and principal's seniority rights under the said Board Rules, Section 4-28 d,e causing the denial of Plaintiff's social security unemployment benefits from the State of Illinois and additionally, female teachers who spoke in defense of principal Plaintiff were harassed by male staff of the General Superintendent, lesser superintendents by 1) isolation, discrimination at professional meetings, by 2) threats of transfer to undesirable schools under the racial quota, by 3) threats of lowering efficiency grades, by 4) removal of school supplies and 5) orders to attend evening community meetings without pay etc.

All of the above retaliatory acts occurred from the Defendant Assistant Superintendent of Personnel following the Plaintiff's filing of charges with the Department of Health, Education and Welfare; Director Kenneth A. Mines, Office for Civil Rights, Region V, September 24, 1975; January 3, 1976; January 8, 1976; June 19, 1976 (Improper Personnel Transfer Incidents) Specific sexual discrimination on pay, salary benefits under Title VI and IX, March, 1976.

WHEREFORE, your Petitioner prays for the entry of an Order in accordance with this Motion and in accordance with her Complaint herein, for the entry of an Order temporarily restraining and enjoining the Defendants City of Chicago Board of Education, Board members, General Superintendent, lesser superintendents, employ-

ees, agents and officers from conducting suspension hearings on charges brought against the Plaintiff and an Order compelling the aforesaid Defendants to reinstate the Plaintiff with full back pay, 12 days sick leave, 3 days business leave, five weeks vacation accumulated equal to the pay of male principal, Dr. Eugene Richards, now at the Audubon School. In addition, a grievance hearing on restoration of 41 days vacation and 4½ days sick leave confiscated from the Plaintiff's paycheck without grievance hearing by District Superintendents Gerald J. Heing and William Rohan, Defendants, following EEOC charges filed against them May 1, 1975 and April 8, 1976 respectively, is requested; and full back pay from September 7, 1976 until the present date and with full pension rights, title and tax-sheltered annuity privileges previously afforded her as principal of the Audubon School in the Chicago Public School System and for an Order on the Equal Employment Opportunity Commission to conduct an investigation on the charges heretofore filed with that agency and charges contained in the Complaint of the Plaintiff, within 120 days.

Anabel J. McCutcheon
By: Mitgang, Levine and Schwartz
Attorney for Plaintiff

PROOF OF SERVICE

JEAN E. GOLDBERG, being first duly sworn on oath, deposes and states that she served a copy of the foregoing Notice of Motion and Motion for Preliminary Injunction, Temporary Restraining Order and other relief, on all attorneys of record, by handing copies of same to Cindy Carey in the Chicago Board of Education Legal Department; to Libby Moss at the offices of Ronald Cope; and to Bernice Coulter in the offices of Heineke and Schrader, on May 17, 1977, before the hour of 4:15 p.m.

/s/ Jean E. Goldberg

SUBSCRIBED and SWORN TO
before me this 17th day of
May, 1977.

/s/ Patrick P. Copanns
Notary Public

LEGAL MEMORANDUM IN SUPPORT OF MOTION OF MAY 20, 1977, FOR TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION

The Federal District Court has the power to issue a Temporary Restraining Order or Preliminary Injunction against the Defendant City of Chicago Board of Education, its General Superintendent, Lesser Superintendents, agents, servants and employees, ordering them to reinstate the Plaintiff to her position as principal of the Audubon School, with full back pay, sick-leave, business leave and all rights, duties and privileges, until the Equal Employment Opportunity Commission has completed its investigation of the charges of sex discrimination and retaliation charges.

The Equal Employment Opportunity Act of 1972 and Title VII of the Civil Rights Act of 1964, confer the power upon the Federal District Courts to grant preliminary relief to an individual such as the Plaintiff, ANABEL J. McCUTCHEON.

Individual Plaintiffs have the right to temporary relief against an employer who retaliates against an employee who has complained of sex discrimination by the employer. *Drew* v. *Liberty Mutual Insurance Company*, 480 F. 2d 69, U.S. Ct. of App., 5th Circuit, 1973. Certiorari was denied in 417 U.S. 935 (1974).

The right of an individual complainant before the Equal Employment Opportunity Commission to be free from discriminatory conduct is found in 42 U.S.C.A., S2000e-2(a):

> "It shall be an unlawful employment practice for employers . . . to discriminate against any individual,

. . because he opposed any practices made an unlawful practice by this Title, or because he made a charge, testified, assisted or participated in any matter in an investigation, proceeding or hearing under this Title."

Under Title VII of the Civil Rights Act of 1964, §706 (a) (3):

"Each United States district Court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. . .

. . . (g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement of hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. . ."

Federal District Courts, prior to the 1972 Amendments, had favored equitable remedies to vindicate the right to be free from discriminatory conduct.

Sanders v. *Dobbs Houses, Inc.*, 431 F. 2d 1097 (5th Circuit, 1970). The Supreme Court decision in *Jones* v. *Alfred Meyer Co.*, 392 U.S. 490 declared that a Federal Court has the right to fashion effective equitable remedies where a statute failed to provide explicit method of enforcement, which was found in 42 U.S.C. §1982. This section deals with the right of citizens to deal equally with real and personal property.

The *Drew* case, supra, is the leading case in the Federal system on the right of the Federal Court to issue a preliminary injunction or temporary restraining order against Defendants which are respondents to EEOC charges by a Plaintiff until the EEOC has concluded its investigation and conciliation process. The District Courts have allowed such equitable relief pending the administrative proceedings of the EEOC. *Hyland* v. *Kenner,* 9 EPD, ¶10,108, (1974), S.D. of Ohio; *Bales* v. *General Motors*, 9 EPD, ¶10,112 (1975), N.D. of Cal.; *Grubbs* v. *Bctz et al,* 514 F. 2d 1323, (1975), Ct. of App., D. of C.; *Baxter* v. *Sharpe* et al, 9 EPD, ¶10,217, (1975), W.D. of North Carolina; *EEOC* v. *Union Bank of Arizona,* 11 EPD, ¶10,764, (1976) D.Ct. of Arizona; *Rutherford* v. *American Bank of Commerce,* 11 EPD, ¶10,829 (1976), D.Ct. of New Mexico; *EEOC and Tobler* v. *Pacific Press Publishing Association*, 535 F.2d 1182 (1976) (9th Circuit); *Griffiths* v. *Hampton et al,* D.Ct. of D.C., 12 EPD, ¶11,038 (1976); *Aguirre* v. *Chula Vista Sanitary Service*, 542 F. 2d 779, (1976) (9th Circuit).

Respectfully submitted,

Mitgang, Levine and Schwartz
By /s/ John B. Schwartz
John B. Schwartz
Attorney for the Plaintiff

AFFIDAVIT OF ANABEL J. McCUTCHEON IN SUPPORT OF MOTION FOR PRELIMINARY RELIEF

Now comes ANABEL J. McCUTCHEON, being first duly sworn on oath, and in support of her Motion for preliminary relief ,deposes and states as follows:

1. That she has been a principal in the Chicago Public School System, at the Audubon School for the past ten years.

2. That she has filed charges of sex discrimination with the Equal Employment Opportunity Commission in the beginning of 1974 against the Defendant, CITY OF CHICAGO BOARD OF EDUCATION, hereinafter referred to as the "Board". Subsequent to filing said charges, she filed two or three retaliatory charges against various District Superintendents and employees of the Board; namely, Dr. Gerald J. Heing, Dr. Bessie Lawrence and Dr. William Rohan, and these matters have never been investigated and because of a lack of action on the part of the EEOC she has sought and obtained her "Right to Sue" letter, attached hereto and identified as Exhibit A.

3. That her complaints and grievances and appeals through the regular procedures afforded her as a principal and employee of the Board on charges of sex discrimination have all been denied and in some cases, denied summarily.

4. That discriminatory practices and retaliation against her culminated in her being suspended from her position as principal of the Audubon School with charges filed against her as of September 7, 1976, which charges

are attached hereto and identified as Exhibit B, to which she filed her Motion to Dismiss, attached and identified as Exhibit C1 through and including C4.

5. That she has not been given her rights of procedural due process afforded other principals by the Board in the past, in that she never received any warnings or notices concerning the alleged charges and specifications which were contained in Exhibit B.

6. That prior to the suspension charges which the Board filed against her and after the complaint of sex discrimination had been filed and after notices to various superintendents, she was threatened with a loss of pay if she carried out such charges and she was, in fact, refused appropriate grievance hearings, appeal hearings and ratings.

7. That the Performance Appraisal Plan (PAP) for all administrators of the Chicago Board of Education was in existence from September 1971 until September 1976 and that by the administration of this so-called "Merit Plan", your affiant believes she has been discriminated against because of her sex.

8. She has suffered irreparable harm by the bringing of charges against her and by her suspension and by the fact that she has never been accorded a hearing or appropriate investigation by the Board on her charges of sex discrimination and in some instances she has received less pay than a male counterpart. During the summer months of 1974, while your affiant was temporarily assigned to Lakeview High School, she received less pay than a male principal sitting in a similar desk, in the same room, doing the same or similar work, for which he received greater pay. During the summer months of

1975 your affiant was temporarily assigned to other schools as "summer relief" for the regular principals of such schools, for which she received less pay than the male principal for doing the same job during the summer as he was doing during the year.

9. That subsequent to her suspension from the Audubon School, she was replaced by a male principal, who was given a greater salary than that earned by your affiant prior to her suspension, although he is doing the same job.

10. That she had been advised by various employees and agents of the Board that the personal charges of sex discrimination should not have been brought against them and that it could hurt her and could end up backfiring on her.

11. That the Board of Education has conducted acts of retaliation against her and has refused to even discuss her requests and the requests of her attorney that she be assigned to a position as a teacher in one of the Chicago Public Schools during the pendency of her suspension, although she holds three teaching certificates and a principal's certificate.

12. Your affiant is prepared to introduce evidence, both oral and documentary to substantiate her claims of sex discrimination.

Further Affiant sayeth not.

Anabel J. McCutcheon

BOARD OF EDUCATION · CITY OF CHICAGO · TEACHER'S ATTENDANCE REPORT

P.E 913A

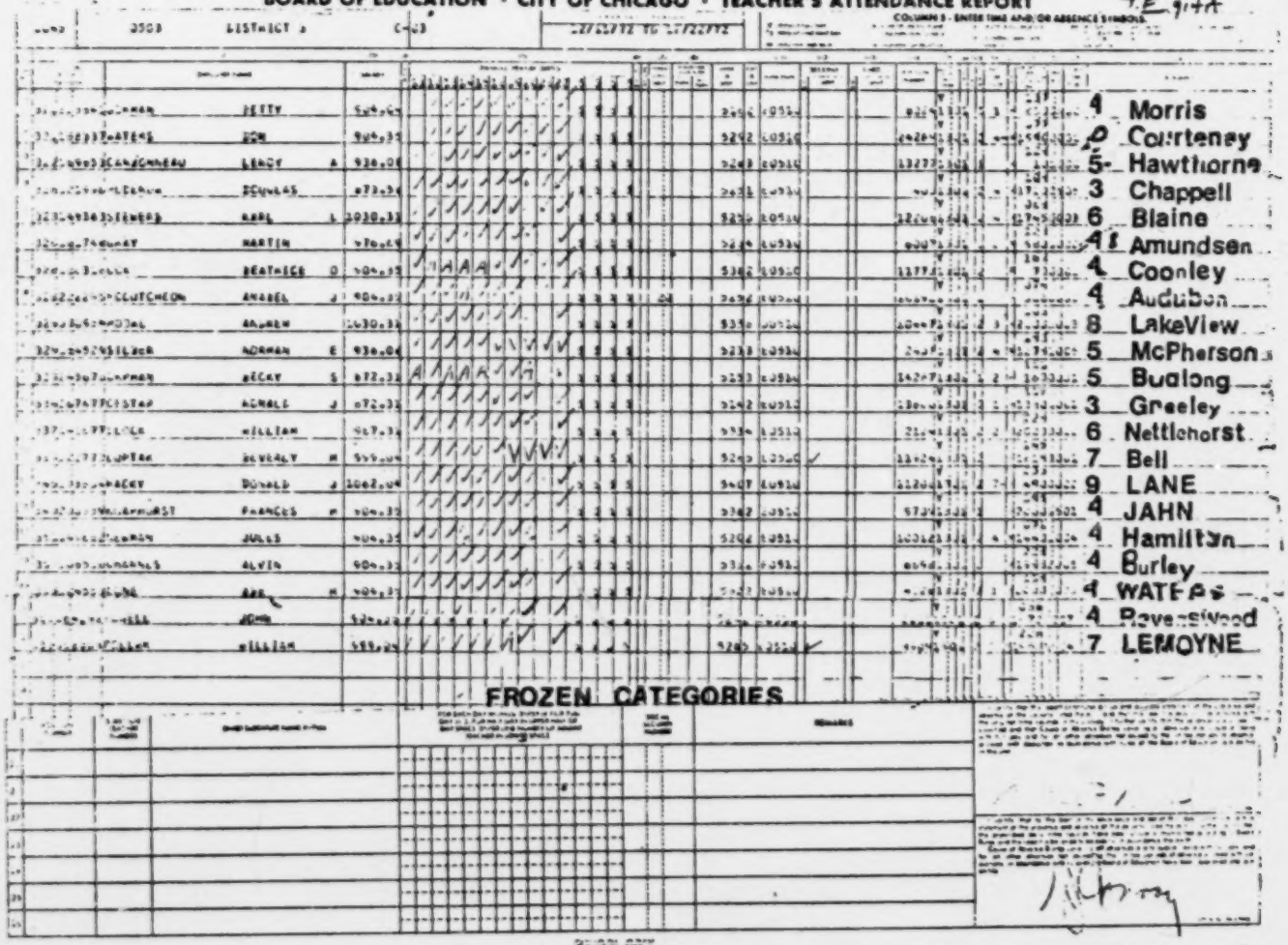
0747 | 0503 | DISTRICT 3 | C-03

4 Morris
4 Courtenay
5 Hawthorne
3 Chappell
6 Blaine
4 Amundsen
4 Coonley
4 Audubon
8 Lakeview
5 McPherson
5 Budlong
3 Greeley
6 Nettlehorst
7 Bell
9 Lane
4 Jahn
4 Hamilton
4 Burley
4 Waters
4 Ravenswood
7 Lemoyne

ESTABLISHMENT OF BASIC SALARY

SCHOOL COPY

BOARD OF EDUCATION · CITY OF CHICAGO · TEACHER'S ATTENDANCE REPORT



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4 Hamilton
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4 WATERS
4 Ravenswood
7 LEMOYNE

FROZEN CATEGORIES

— 62a —

PE 95A

BOARD OF EDUCATION • CITY OF CHICAGO • TEACHER PAYROLL SIGNING REGISTER

44 0513 DISTRICT 3 — C-13 — 12/11/72 TO 12/21/72 — 0825

| | | |

EEOC CHARGES TCH 5-0061
EQUAL PAY ACT OF 1963, TITLE VII

Illinois Fair Employment Practices Act
(Ill. Rev. Stat. Ch. 48, §§851-853)
Ill. Rev. Stat., 1975: 122: §34-85

Reproduced by Anabel J. McCutcheon
(For Appeal 80-1482)

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

536 South Clark Street
Chicago, Illinois 60605
Telephone: 353-7550
August 12, 1974
In Reply Refer To:
TCH5-0061

Ms. Anabel J. McCutcheon
Apt. 3B 1917 Tanglewood Drive
Glenview, Ill. 60025

Dear Ms. McCutcheon:

We have received your communication alleging unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964. Under Section 706(b) of Title VII this Commission is unable to accept jurisdiction in your case until the matter has been deferred for 60 days to the State of Illinois, Fair Employment Practices Commission, 179 West Washington Street 4th Floor, Chicago, Illinois 60602. We are sending a copy of your correspondence to that state agency. You will be contacted if additional information is needed.

Unless the Commission hears from you to the contrary, we will automatically assert jurisdiction over your charge on the 61st day after receipt by the state agency of your charge. If the state should earlier terminate its proceedings, or if the time limit set forth in the statute for the Commission to assert jurisdiction is about to expire, we will at that time assert jurisdiction.

When the Commission asserts jurisdiction of your charge, your charge will then be placed in a pending assignment drawer to await assignment to an investigator. Because of a large case backlog in this office it will be quite some time before your case comes up for investigation; there-

fore, it is not necessary for you to contact this office regarding the status of your charge at this time. When your case has been assigned to an investigator, the investigator will contact you when he is ready to begin investigation of the matters you have complained of.
If you have moved or changed your telephone number since your last contact with the Commission, please notify the Commission in writing of your current address and telephone number.

Sincerely,

/s/ Donald W. Muse
Donald W. Muse
District Director

Local 2, School Administrators and Supervisors Organizing Committee, AFL-CIO

LaSalle-Wacker Building 221 North LaSalle Street
Chicago, Illinois 60601 (312) 263-7767

June 9, 1975

Mr. Donald W. Muse
Equal Employment Opportunity Commission
Chicago District Office
536 South Clark Street
Room 234
Chicago, Illinois 60605

RE: TCHS-0061 (Amended)

Dear Mr. Muse:

Enclosed is a copy of a letter dated June 3, 1975, which I received as president of the Chicago Principals Association from Anabel J. McCutcheon. Also, enclosed is a copy of EEOC Form 131, dated May 21, 1975, which was entered against me as president of the Chicago Principals Association by the same individual.

Although I do not know the specific details of the allegations made against me, it appears that the items checked on the EEOC Form and the allegations made in the letter of June 3 are the same.

Since I am not knowledgeable about EEOC procedures and my liability in discussing items about which I am charged, could you please advise me whether or not I may respond to the letter of June 3 without jeopardizing my rights involving the allegations made against me. Your cooperation in helping me to proceed in the proper manner is appreciated.

Sincerely yours,

/s/ Samuel L. Dolnick
Samuel L. Dolnick

President

SLD: vs
cc Anabel J. McCutcheon

President
Samuel L. Dolnick
First Vice-President
Ernestine D. Curry
Second Vice-President
Bruce H. Berndt
Secretary
Catherine E. Modjeska
Treasurer
John L. Ryan

AFFILATIONS: School Administrators and Supervisors Organizing Committee, Chicago Federation of Labor-Industrial Union Council, Illinois Federation of Labor-Congress of Industrial Organizations, American Federation of Labor-Congress of Industrial Organizations

Board of Education
City of Chicago

JOHN J. AUDUBON ELEMENTARY SCHOOL
3500 North Hoyne Avenue
Chicago, Illinois 60618
Telephone 525-6937

Anabel J. McCutcheon
Principal

John F. Kula
Assistant Principal

June 3, 1975

Mr. Samuel Dolnick, President
Chicago Principals Association
221 North LaSalle Street
Chicago, Illinois 60601

Dear Mr. Dolnick:

On May 8, 1975 following a telephone conversation with you, I sent you ten copies of a dittoed request for CPA representation concerning a discriminatory letter of Dr. Shirley Stack, refusing me an interview for the principalship of the Von Steuben. I also sent you several copies of her letter.

In reply you sent me a letter signed by you proposing a grievance—following the appointment of William Schertler. Because you have initiated the following grievances for me and then refused me CPA representation when I reached the Board level: I am now requesting that you clarify exactly the nature of your representation:—

1. Fire Escape Locking by engineer-custodian, October, 1973

2. Merit Appeal, Grievance on D. S. Procedures, November 15, 1973 BEFORE VOTE OF DIRECTORS' Ruling

3. Logan 1969 Unsatisfactory Rating to Grievance AAA, 1972-1973: You initiated January, 1974

4. Roof Cave-In—February, 1974 represented by Beulah Jones, Bruce Berndt started May, 1973—No decision from Board TO DATE.

Does this grievance you propose to initiate have the vote of the Directors as per your letter of March 11, 1975? I am also not happy with the ineffectualness of the grievance *you* propose, which will only be time-consuming without benefits to me. If you wish to know the names of the "Principal Nominating Committee" why don't you just pick up the phone? The redress I wish is the salary of the job and EQUAL OPPORTUNITY for promotion. I can document that I am better qualified than William Schertler of lesser seniority and no principal's experience.

Very truly yours,
/s/ Anabel J. McCutcheon, Principal
Anabel J. McCutcheon

CC:
Board of Directors

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHICAGO DISTRICT OFFICE
Federal Building - Room 2234
536 S. Clark Street
Chicago, Illinois 60605

363-7550

PERSON FILING CHARGE

(4)

Anabel McCutcheon

THIS PERSON (Check one)

X	CLAIMS TO BE AGGRIEVED
	IS FILING ON BEHALF OF A PERSON CLAIMING TO BE AGGRIEVED
	IS A COMMISSIONER OF EEOC

DATE OF ALLEGED VIOLATION
6-17-74 & Cont

PLACE OF ALLEGED VIOLATION
Chicago IL

CHARGE NUMBER
TCH5-0061 (amended)

TO: Chicago Principal's Assn
Local #2
221 N LaSalle St
Chicago, IL

NOTICE OF CHARGE OF EMPLOYMENT DISCRIMINATION

(See Notice of Non-retaliation on reverse)

You are hereby notified that a charge of employment discrimination under Section 706 of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e-5, as amended, has been filed against you. Information relating to the date, place, and circumstances of the alleged unlawful employment practice or practices is provided herein.

No action on your part is necessary at this time. However, if you wish to submit any information in writing, it will be made a part of the file and will be considered at the time we investigate this charge. Telephone communications cannot be made a part of the record. Section 1602.14 of the Commission's Regulations (See attachment) requires the preservation of all personnel records relevant to this charge, as described below, until it is resolved.

Because of the Commission's volume of pending work, we are unable to tell you when we can schedule investigation of this charge; we will, however, contact you at the earliest possible date.

BASIS OF DISCRIMINATION — ☐ RACE OR COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN

NATURE OF CHARGE

	HIRING		DISCHARGE		LAYOFF		RECALL
X	WAGES		PROMOTION		DEMOTION		SENIORITY
	JOB CLASSIFICATION		TRAINING/ APPRENTICESHIP		EXCLUSION	X	UNION REPRESENTATION
	SEGREGATED LOCALS		REFERRAL		QUALIFICATION/TESTING		ADVERTISING
X	BENEFITS		SEGREGATED FACILITIES		INTIMIDATION/ REPRISAL	X	REPRISAL (USE 704(a) ONLY)
	TERMS AND CONDITIONS		UNSPECIFIED AND OTHER		OTHER (Specify)		

DATE: 5-21-75

TYPED NAME OF DISTRICT DIRECTOR:

SIGNATURE: Donald W. Rose

EEOC FORM NO. 131 PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

RESPONDENT'S COPY

EQUAL PAY ACT OF 1963

(Act of June 10, 1963, Public Law 88-38, 77 Stat. 56, effective June 11, 1964)

[¶ 22,298]

AN ACT

To prohibit discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods for commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE

[Section 1.] This Act may be cited as the "Equal Pay Act of 1963".

DECLARATION OF PURPOSE

Sec. 2. (a) The Congress hereby finds that the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex—

(1) depresses wages and living standards for employees necessary for their health and efficiency;

(2) prevents the maximum utilization of the available labor resources;

(3) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;

(4) burdens commerce and the free flow of goods in commerce; and

(5) constitutes an unfair method of competition.

(b) It is hereby declared to be the policy of this Act, through exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct the conditions above referred to in such industries.

[EQUAL PAY AMENDMENT OF FLSA]

Sec. 3. Section 6 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. *et seq.*) is amended by adding thereto a new subsection (d) as follows: [The amendments made by the Equal Pay Act of 1963 are incorporated in place in the Fair Labor Standards Act of 1938, as amended, reproduced in full text at ¶22,050.]

[EFFECTIVE DATES]

Sec 4. The amendments made by this Act shall take effect upon the expiration of one year from the date of its enactment: *Provided,* That in the case employees covered by bona fide collective bargaining agreement in effect at least thirty days prior to the date of enactment of this Act, entered into by a labor organization (as defined in section 6(d)(4) of the Fair Labor Standards Act of 1938, as amended), the amendments made by this Act shall take effect upon the termination of such collective bargaining agreement or upon the expiration of two years from the date of enactment of this Act, whichever shall occur first.

FEPC

COMMISSION STAFF

WAYNE WILLIAMS, *Executive Director*

D. MAXINE LONGNECKER, *Staff Administrator*

LEO FRANKLIN, *Director, Division of Field Operations*

PAT WORACK, *Director, Division of Case Coordination*

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JOHN G. CHEEKS, *Director, Springfield Office*

WILLIAM FAULKNER, *Area Representative, Southside Office*

RICHARD RAMOS, *Area Representative, Northside Office*

ILLINOIS FAIR EMPLOYMENT PRACTICES ACT

(Ill. Rev. Stat., Ch. 48, §§ 851-867)

§ 1. Declaration of policy.
§ 2. Definitions.
§ 3. Unfair employment practices.
§ 4. Public contracts. Rules and Regulations.
§ 5. Illinois Fair Employment Practices Commission.
§ 6. Powers and duties of the Commission.
§ 7. Educational program.
§ 8. Procedure—charge, investigation, conference, settlement, adjustment, complaint, answer, hearing, order, review by Commission, order.
§ 9. Additional powers of the Commission—Appearances of witnesses—Service of process.
§ 10. Judicial review.
§ 11. Judicial enforcement.
§ 12. Venue.
§ 13. Service of process or notice—sufficiency.
§ 14. Operative date.
§ 15. Separability.
§ 16. Short title.
§ 17. Agreements with Federal Agencies.

AN ACT *to promote the public health, welfare and safety of the People of the State of Illinois by reducing denial of equality of employment opportunity because of race, color, religion, sex, national origin or ancestry; to create a Fair Employment Practices Commission, to define its functions, powers and duties, to provide for enforcement of its orders, and to make an appropriation in connection therewith. As amended by P.A. 77-1342, §2, effective August 27, 1971.*

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

851. § 1. Declaration of Policy.) Whereas denial of equal employment opportunity because of race, color, religion, sex, national origin or ancestry with consequent failure to utilize the productive capacities of individuals to the fullest extent deprives a portion of the population

of the State of earnings necessary to maintain a reasonable standard of living, thereby tending to cause resort to public charity and may cause conflicts and controversies resulting in grave injury to the public safety, health and welfare:

Therefore, it is declared to be the public policy of this State that without in any way precluding any employer from selecting between persons of equal merit, ability, and capabilities, equal employment opportunity or apprenticeship opportunity without discrimination because of race, color, religion, sex, national origin or ancestry should be protected by State law.

It is also the public policy of this State to protect employers, labor organizations and employment agencies from unfounded charges of discrimination.

852. § 2. Definitions.) When used in this Act, unless the context otherwise requires, the term:

(a) "Commission" means the Fair Employment Practices Commission created by this Act.

(b) "Complainant" means any individual charging on his own behalf to have been personally aggrieved by an unfair employment practice.

(c) "Employee" includes and means any individual performing services for remuneration within this State for an employer, or who is an apprentice, or who is an applicant for any apprenticeship; except that the term "employee" does not include domestic servants in private homes, individuals employed by persons who are not employers as defined by this Act, or persons employed in "agricultural labor" as that term is defined in The Unemployment Compensation Act [Ill. Rev. Stat., Ch. 48, §§ 300 et seq.] as now or hereafter amended; nor does the term "employee" include any elected public official or the members of his immediate personal staff or the principal administrative officers of the State of Illinois or of any political subdivision, municipal corporation or other governmental unit or agency thereof.

(d) "Employer" includes and means: (i) any person (as defined in this Section) employing 50 or more persons within the State within each of 20 or more calendar weeks within the current or preceding calendar year prior to July 1, 1968, and beginning July 1, 1968, any person employing 25 or more persons during 20 or more calendar weeks within any calendar year; (ii) the State and any political subdivision, municipal corporation or other governmental unit or agency thereof, without regard to the number of employees. The term "employer" does not include any not for profit corporation or association organized for fraternal or religious purposes, nor any school, educational or charitable institution owned and conducted by, or affiliated with, a church or religious institution, nor any exclusively social club, corporation or association that is not organized for profit.

(e) "Employment Agency" includes both public and private employment agencies and any person, and any labor organization or labor union having a hiring hall or hiring office regularly undertaking, with or without compensation to procure opportunities to work, or to procure, recruit, refer or place employees.

(f) "Labor Organization" includes any organization, or labor union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

(g) "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, or union labor associations, corporations, legal representatives, trustees in bankruptcy or receivers.

(h) "Unfair Employment Practices" includes only those practices specified in Section 3 of this Act. As amended by Act approved August 11, 1967. L. 1967, p. 2854 effective July 1, 1968.

853. § 3. Unfair Employment Practices.) It is an unfair employment practice:

(a) For any employer, because of the race, color, religion, sex, national origin or ancestry of an individual to refuse to hire, to segregate, or otherwise to discriminate against such individual with respect to hire, selection and training for apprenticeship in any trade or craft, tenure, terms or conditions of employment; or

(b) For any employment agency to fail or refuse to classify properly, accept applications and register for employment referral or apprenticeship referral, refer for employment, refer for apprenticeship, or otherwise to discriminate against any individual because of his race, color, religion, sex, national origin or ancestry, or to accept from any person any job order, requisition or request for referral of applicants for employment or apprenticeship which makes, or has the effect of making, race, color, religion, sex, national origin or ancestry a condition of referral, except for a bona fide occupational qualification; or

(c) For any labor organization because of the race, color, religion, sex, national origin or ancestry of any person to discriminate against such person, or to limit, segregate or classify its membership with respect to such person, or to limit such person's employment opportunities, such person's selection and training for apprenticeship in any trade or craft, or otherwise to take, or fail to take, any action which affects adversely such person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeships, or such person's wages, tenure, hours of employment or apprenticeships conditions; or

(d) For any employer, employment agency or labor organization to discriminate against any person because he or she, reasonably and in good faith, has opposed any practice forbidden in this Act, or because he or she, reasonably and in good faith, has made a charge, testified or assisted in any investigation, proceeding or hearing under this Act; or

(e) For any employer, employment agency or labor organization to inquire on a written application whether a job applicant has ever been arrested; or

34-85. Removal for cause—Notice and hearing—Suspension.

No teacher or principal appointed by the board of education shall (after serving the probationary period of 3 years specified in Section 34-84) be removed except or cause, and then only by a vote of a majority of all members of the board, upon written charges presented by the general superintendent of schools, to be heard by the board or a duly authorized committee thereof. Written notice of such charges shall be served upon the teacher or principal not less than 20 nor more than 30 days before the date of hearing. The hearing shall be held and the decision rendered within 80 days from the date of service of the notice; provided however, that continuances of said hearing granted at the request of the teacher or principal shall not be included in computing this 80 day period. The hearing shall be public at the request of either the teacher or the board. The teacher shall have the privilege of being present at the hearing, together with counsel, offering evidence and making defense to the charges. Before service of notice of charges on account of causes that may be deemed to be remediable, the teacher shall be given reasonable warning in writing, stating specifically the causes which, if not removed, may result in charges. The action and decision of the board as to the existence of reasons or causes for dismissal or removal shall be

final unless reviewed as provided in Section 34—85b of this Act. Pending the hearing of the charges, the person charged may be suspended in accordance with rules prescribed by the board but such person, if acquitted, shall not suffer any loss of salary by reason of the suspension. As amended by act approved Aug. 26, 1963. L. 1963, p. 3427.

Supreme Court, U. S.
FILED
NOV 28 1980
MICHAEL RODAK, JR., CLERK

No. 80-724

In the Supreme Court of the United States

OCTOBER TERM, 1980

ANABEL J. McCUTCHEON, Plaintiff-Petitioner,

vs.

78 C 3894

1. BOARD OF EDUCATION CITY OF CHICAGO
2. CAREY B. PRESTON
3. MARGARET WILD
4. HERBERT JOHNSON
5. HENRY McGEE
6. JOSEPH P. HANNON
7. WILLIAM ROHAN
8. GERARD J. HEING
9. NINA JONES

76 C 4763

10. CHICAGO PRINCIPALS Local 2, AFL-CIO
11. SAMUEL DOLNICK

76 C 4763

12. JOHN CAREY
13. THOMAS NAYDER
14. CATHERINE ROHTER
15. EDGAR G. EPPS
16. CARMEN VELASQUEZ
17. LOUISE MALIS
18. JAMES F. REDMOND
19. GUY BRUNETTI
20. MICHAEL WRENN
21. THOMAS FINNEGAN
22. BESSIE LAWRENCE
23. ANGELINE CARUSO
24. OTHO ROBINSON
25. SHIRLEY STACK
26. VINCENT J. CONROY

Defendants-Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.

BRIEF AND APPENDIX FOR RESPONDENTS

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TABLE OF CONTENTS

BRIEF AND APPENDIX

	PAGE
Brief	1
Questions for Review	
First Question	3
Second Question	3
Third Question	5
Fourth and Fifth Questions	6
Sixth Question	6
Seventh Question	6-7
State Statute	5
1977 Ill. Rev. Stat. Ch. 122 Section 34-18.1	5-6
Appendix	
Respondents' Appendix—United States Court of Appeals for the Seventh Circuit	
Notice of Filing	1a
Motion of Defendants-Appellees to Dismiss the Appeal in Case No. 80-1482	3a
Memorandum of Law in Support of Appellees' Motion to Dismiss Appeal in Case No. 80-1482	4a
Certificate of Mailing (Paul H. Heineke)	10a
Notice to Respond to Anabel J. McCutcheon and Thomas P. Brown	11a
Response to Defendants-Appellees Motion to Dismiss in Case No. 80-1482	12a
Certificate of Service (Thomas P. Brown)	15a
Order of Dismissal	16a
AUTHORITY	
Browder v. *Director Dept. of Corrections*, 434 S. Ct. 257, 54 L.Ed. 2d 521, 98 S. Ct. 556 (1978)	7a

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Defendants-Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.

BRIEF AND APPENDIX FOR RESPONDENTS

As a response to the Petition for a Writ of Certiorari to object to its allowance, there follow some reasons.

It is our understanding that the Supreme Court grants certiorari as a matter of grace, or under the listed reasons as well as others, which are matters of moment and

worthy of the attention of the Justices of the Supreme Court: not merely to review the dog fight between petitioner and the respondents and their attorneys.

The cover of the petition says that the appeal is from the Court of Appeals for the Seventh Circuit and the decision from which the plaintiff appeals is the order of Judges Sprecher, Bauer and Wood dismissing petitioner's appeal for want of jurisdiction due to lack of timeliness. This order appears in petitioner's Appendix 1A and is only a dismissal by that Court of Appeals for failure to comply with the rules. The date of the order is June 26, 1980.

It would appear to us that the only consideration necessary for the petition for certiorari should be directed to that order of dismissal, which was an obviously correct and proper ruling[1] requiring the denial of the instant petition, and to none of the remaining seven questions for review. Nevertheless, we are obligated to answer each issue lest we be deemed to admit them by our silence.

---

[1] See Respondents-Appellees' Appendix immediately following hereinafter, pp. 1a-18a for their motion to dismiss, memoranda in support thereof, and relevant orders, which were filed in the United States Court of Appeals for the Seventh Circuit by Appellees and which are hereby incorporated by reference as part of their instant argument.

The first question for review is:

> "WHETHER THE ALL MALE COURTS PREJUDICIALLY ERRED BY THE DISCRIMINATORY APPLICATION OF RULES* FOR DEFENDANT MALE ATTORNEYS VS. FEMALE *PRO SE* PLAINTIFF, WHOSE ATTORNEYS, RETALIATION CHARGES WERE DISMISSED BEFORE TRIAL AS ALLEGED "GRIEVANCES" AND WHOSE APPEAL WAS DISMISSED WITHOUT CONSIDERATION OF THE RECORD OR TRIAL EVIDENCE."

No trial evidence was reviewed on appeal because the Court of Appeals found, upon respondents' motion to dismiss, that it had no jurisdiction. The ruling was contrary to petitioner's beliefs and she seems to be unhappy about it. This does not mean that she suffered a discrimination. It means only that the Court of Appeals found that it had no jurisdiction to further consider her appeal, a ruling with which respondents wholeheartedly agree. Any alleged grievances which petitioner may have had were decided by the Honorable John A. Nordberg, a judge of the Circuit Court of Cook County, Illinois (Case No. 77-L-21626, Administrative Review).

The second question for review is:

> "WHETHER H. STUART CUNNINGHAM, CLERK OF THE U.S. DISTRICT COURT, CONSPIRED WITH DEFENDANT ATTORNEYS TO SUPPRESS THE EVIDENCE."

We deny this question because of its absurdity, and suggest that this Court does not accept petitioner's question as a statement of fact. Secondly, had Miss McCutcheon actually wanted the documents rather than the appeal, she was offered the complete set of copies which

she had delivered one day to the offices of Heineke & Schrader. Petitioner served a copy of the 900 pages of documents upon the writer's office and at the beginning of the trial that copy of the evidence was offered to the plaintiff for her use. But, obviously, she wanted to complain about the loss of them, rather than to have them available.

The appendix also contains a copy of the notice from Mr. Cunningham's office addressed to the Honorable Thomas F. Strubbe, transferring from DC Docket Nos. 76-C-4763 and 78-C-3894, three volumes of pleadings, two in 76-C-4763 and one in 78-C-3894, and twenty-four volumes of transcripts.

On the filing of the first petition for certiorari, these documents were forwarded to the Clerk of the Supreme Court. It is our understanding from conversation with the Office of the Clerk of the Supreme Court that this petition was not accepted, and the documents were returned to Mr. Strubbe and were returned by Mr. Strubbe to Mr. Cunningham's office.

The records of this court will show that the second petition for certiorari was rejected by the clerk because it was late. The third petition, filed and served on us on November 1, 1980, with the revised appendix to the petition being received by us on October 13, 1980 was accepted and given a number, and petitioner was furnished with a form to notify us of the fact. From the date of filing, we have 30 days to respond. We received the notice which petitioner was supposed to file on us on November 20, 1980.

The rules provide that we may, if we wish, file a response within 30 days.

Why there should be five additional questions for review, we do not understand. We object, however, to Issue Number 3, which is predicated largely upon the fact that the motions of the defendant counsel were made by counsel who had failed to file an appearance for any individual, and had failed to separate them from a body politic Board of Education. We filed in apt time our appearance for all respondents we represent named in the first amended complaint. We do not understand the charge of a failure to separate them from the body politic, especially in view of the fact that the petitioner had named as one of the defendants, the Board of Education, the body politic.

The reference should probably be made to Appendix 34A, which has the appearance of Mr. Michael J. Murray, who is the attorney for the Board of Education for the City of Chicago. This was filed on April 2, 1980 and docketed April 15, 1980, which entered Mr. Murray's appearance "as counsel for defendants-appellees," which was docketed April 23, 1980. And, in addition to Mr. Murray, the appearances of Mr. Heineke, Mr. Scanlon, and Mr. Brown were listed.

Here a mistaken fact was again placed in the record by plaintiff, which was reiterated many times, although petitioner knew her statement was incorrect, and knew the reason why it was incorrect. Section 34-18.1 of Chapter 122 of the Illinois Revised Statutes for 1977 reads as follows:

> § 34-18.1 *Protection from suit.* The board of education shall insure or indemnify and protect the board, any member of the board or any agent, employee, teacher, student teacher, officer or member of the supervisory staff of the school district against financial loss and expense, including reasonable legal fees

> and costs arising out of any claim, demand, suit, or judgment by reason of alleged negligence, alleged violation of civil rights occurring on or after September 5, 1967, or alleged wrongful act resulting in death or bodily injury to any person or accidental damage to or destruction of property, within or without the school premises, provided such board member, agent, employee, teacher, student teacher, officer or member of the supervisory staff, at the time of the occurrence was acting under the direction of the board within the course or scope of his duties.
>
> Amended by P.A. 78-737, § 1, eff. Sept. 10, 1973.

From a period of April, 1973 to April, 1976, there was an insurance policy obtained by the Board of Education pursuant to that statutory directive. That insurance policy had attached to it an endorsement which obligated the insurance company issuing it to protect the Board of Education against financial loss and expense "including reasonable legal fees and costs."

The fourth and fifth questions for review are sufficiently answered by the comments on the third question.

The sixth question concerning an alleged contract between the Board of Education and Mr. Mahron is not worthy of consideration by this Court. Mr. Mahron is not a party in this litigation. The Board of Education was not then nor is it now "defunct."

The seventh question for review asks this Honorable Court to decide:

"WHETHER THE ALL MALE CHICAGO JUDGES WERE COMPETENT AND UNBIASED (BEING POLITICALLY AFFILIATED WITH THE CITY OF CHICAGO) TO JUDGE THE MERITS OF THE PRECEDENT SETTING ISSUES (COMPLICATED BY THEIR OWN ERRORS OF CONSOLIDATION) RAISED BY A WOMAN *PRO SE* PLAINTIFF IN HER APPELLATE COURT BRIEF."

No where did the "male Chicago judges" of the Court of Appeals have anything to do with the consideration in which Judges Grady, Marshall, the Executive Committee of the District Court, Judge Parsons and Judge Leighton joined in effecting the consolidation.

Since none of the seven issues raised by petitioner has anything to do with the dismissal of her appeal by the Court of Appeals, respondents pray that the instant petition be denied. Respondents also deny each and every allegation of petitioner in which she otherwise argues for the granting of her petition. Respondents stand firmly upon the granting of their motion to dismiss by the United States Court of Appeals for the Seventh Circuit and maintain that that in itself is sufficient reason for this Court to deny this petition.

Respectfully submitted,

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Of Counsel:
CHRISTINE A. ZIELINSKI

APPENDIX FOR RESPONDENTS

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
No. 80-1482

ANABEL J. McCUTCHEON,
Plaintiff-Appellant,

v.

BOARD OF EDUCATION OF THE CITY OF CHICAGO, et al,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division

No. 76-C-4763
No. 78-C-3894
Judge GEORGE N. LEIGHTON

U.S.C.A.—7th Circuit
Received in Clerk's Office
JUN 10 1980
THOMAS F. STRUBBE
Clerk

NOTICE OF FILING

To: Ms. Anabel J. McCutcheon
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Chicago, IL 60601

Please be advised that on Tuesday, June 10, 1980, I filed with the Clerk of the United States Court of Appeals for the Seventh Circuit the following:

Motion of Defendants-Appellees to Dismiss the Appeal in Case No. 80-1482

Memorandum of Law in Support of the Motion of Defendants-Appellees to Dismiss the Appeal in Case No. 80-1482

/s/ Paul H. Heineke
One of the Attorneys
for All Defendants

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UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
No. 80-1482

ANABEL J. McCUTCHEON,

Plaintiff-Appellant,

v.

BOARD OF EDUCATION OF THE CITY OF CHICAGO, et al,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division
No. 76-C-4763
No. 78-C-3894
Judge GEORGE N. LEIGHTON

MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482

Now come the defendants-appellees, the Board of Education of the City of Chicago, et al., by their attorneys Michael J. Murray and Paul H. Heineke, and move that this Honorable Court dismiss the appeal in case No. 80-1482 for the reason that this Court does not have jurisdiction to consider this appeal due to the failure of the plaintiff-appellant to file a timely notice of appeal. A memorandum of law in support of this motion is attached hereto.

Respectfully submitted,
/s/ Michael J. Murray
/s/ Paul H. Heineke

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UNITED STATES COURT OF APPEALS

FOR THE SEVENTH CIRCUIT

No. 80-1482

ANABEL J. McCUTCHEON,

Plaintiff-Appellant,

v.

BOARD OF EDUCATION OF THE CITY OF CHICAGO, et al,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division
No. 76-C-4763
No. 78-C-3894
Judge GEORGE N. LEIGHTON

MEMORANDUM OF LAW IN SUPPORT OF THE MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482

The notice of appeal in this case was not timely filed. Therefore, this Honorable Court has no jurisdiction to consider this appeal.

Final judgment in this case was entered on February 25, 1980 in favor of the defendants-appellees, (I.R. #105). Plaintiff-appellant filed a motion for a rehearing on March 14, 1980, (I.R. #104). It was not until March 31, 1980 that plaintiff-appellant filed a notice of appeal, (I.R. #112). On April 4, 1980 plaintiff filed a motion to reconstruct the complete 76-C-4763 file, (I.R. #108). Also on April 4, 1980, plaintiff filed a motion for a temporary restraining order against attorney John B. Schwartz, (I.R. #110).

Plaintiff's motion for a rehearing was denied on March 25, 1980, without expression of any view concerning its timeliness, (I.R. #107). The Court in its Minute Order said:

". . . After reviewing plaintiff's allegations, it appears plaintiff seeks the opportunity to reargue the case this court has heard thoroughly, and to which careful attention has been paid to each of plaintiff's many claims. (I.R. #107)."

Plaintiff's motion to reconstruct, amend, and certify the 76-C-4763 file was granted on April 8, 1980, (I.R. #109). Plaintiff's motion for a temporary restraining order against attorney John B. Schwartz was denied on April 7, 1980, (I.R. #113).

The Federal Rules of Appellate Procedure for the United States Court of Appeals, specifically Rule 4(a), are applicable and govern appeals in Civil cases such as this. Rule 4(a) provides:

"(a) Appeals in Civil Cases.

(1) In a civil case in which an appeal is permitted by law as of right from a district court to a court of appeals the notice of appeal required by Rule 3 shall be filed with the clerk of the district court within 30 days after the date of the entry of the judgment or order appealed from; . . ."

The date of the entry of the judgment or order appealed from in this case is the final judgment in favor of the defendants-appellees which was entered on February 25, 1980. As explained hereinafter, plaintiff-appellant's motion for a rehearing was itself untimely, even though the motion was denied not because of time but because plaintiff sought to reargue the entire case which had just been heard thoroughly by the court, which had paid careful attention to each of plaintiff's many claims. (See: I.R. #107, *supra.*)

Plaintiff's motion for a rehearing was untimely according to either of the relevant Federal Rules of Civil Procedure: Rule 50b, Rule 52b or Rule 59. Rule 50b provides:

"(b) Motion for Judgment Notwithstanding the Verdict.

. . . *Not later than 10 days after entry of judgment,* a party who has moved for a directed verdict may move to have the verdict and any judgment entered thereon set aside and to have judgment entered in accordance with his motion for a directed verdict; . . ." (Emphasis added.)

Rule 52b provides:

"(b) Amendment. *Upon motion of a party made not later than 10 days after entry of judgment* the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to Rule 59. . . ." (Emphasis added.)

Rule 59 provides:

"New Trials; Amendment of Judgments.

. . . (b) Time for Motion. A motion for a new trial shall be served *not later than 10 days after the entry of the judgment.*" (Emphasis added.)

Plaintiff-appellant had 10 days from the date of entry of the final judgment order within which to file her motion for a rehearing. The final judgment was entered February 25, 1980. Plaintiff's motion for a rehearing was not filed until March 14, 1980, 18 days later. Plaintiff's Notice of Filing alleges that the Motion was filed on March 12, 1980. If this were factual, then plaintiff's motion would have been six days late. If plaintiff mailed in her motion and was entitled to an additional three-day grace period, then her motion for a rehearing is still late. Therefore, the time within which plaintiff's notice of appeal should have been filed was never tolled. Plaintiff, therefore, had 30 days from the date of entry of the final judgment order within which to file her notice of appeal. Plaintiff's Notice of Appeal was filed March

31, 1980, *thirty-five days after the entry of the final judgment order in favor of the defendants-appellees.* Plaintiff's Notice of Appeal was not timely. Therefore, this Court has no jurisdiction to consider this appeal.

A case in point which supports the argument of defendants-appellees is *Browder* v. *Director, Department of Corrections of Illinois,* 434 U S 257, 54 L Ed 2d 521, 98 S Ct 556 (1978) (hereinafter referred to as *Browder*). In *Browder, supra,* the United States District Court for the Northern District of Illinois granted petitioner's petition for a writ of habeas corpus. Respondent's notice of appeal was untimely. On appeal, the United States Court of Appeals for the Seventh Circuit reversed not because of time, but on the merits. On certiorari, the United States Supreme Court reversed. In an opinion expressing the unanimous view of the court, it was held that the Court of Appeals lacked jurisdiction to review the order granting the petition due to the untimeliness of the appeal under the requirement of Rule 4(a) of the Federal Rules of Appellate Procedure and 28 USCS §2107 that a notice of appeal in a civil case be filed within 30 days of entry of the judgment or order from which the appeal is taken. The Court reasoned that since respondent's post-trial motions were untimely under Federal Rules of Civil Procedure 52 and 59, that the time for appeal was not tolled under the terms of Rule 4(a) of the Federal Rules of Appellate Procedure.

The Court in *Browder, supra,* said at 434 U S 264 that:

> "Under Fed. Rule App. Proc. 4(a) and 28 U S C §2107 [28 U S C S §2107], a notice of appeal in a civil case must be filed within 30 days of entry of the judgment or order from which the appeal is taken. This 30-day time limit is 'mandatory and jurisdictional.' *United States* v. *Robinson,* 361 U S 220, 229, 4 L Ed 2d 259, 80 S Ct 282 (1960). See also *Fallen* v. *United States,* 378 U S 139, 12 L Ed 2d 760, 84 S Ct 1689 (1964); *Coppedge* v. *United States,* 369 U S 438, 442, 8 L Ed 2d 21, 82 S Ct 917 (1962); *United States* v. *Schaefer Brewing Co.,* 356

U S 227, 2 L Ed 2d 721, 78 S Ct 674, 73 A L R 2d 235 (1958); *Matton Steamboat Co.* v. *Murphy,* 319 U S 412, 415, 87 L Ed 1483, 63 S Ct 1126 (1943); *George* v. *Victor Talking Mach. Co.,* 293 U S 377, 379, 79 L Ed 439, 55 S Ct 229 (1934). The purpose of the rule is clear: It is 'to set a definite point of time when litigation shall be at an end, unless within that time the prescribed application has been made; and if it has not, to advise prospective appellees that they are freed of the appellant's demands. Any other construction of the statute would defeat its purpose.' *Matton Steamboat, supra,* at 415, 87 L Ed 1483, 63 S Ct 1126."

Other cases which agree that a timely notice of appeal is a jurisdictional prerequisite to appellate review are: *Brooks* v. *Norris,* 52 U S 204, 13 L Ed 665 (1850); *Cummings* v. *Jones,* 104 U S 419, 26 L Ed 824 (1882); *Scarborough* v. *Pargoud,* 108 U S 567, 27 L Ed 824, 2 S Ct 877 (1883); *Credit Co.* v. *Arkansas C. R. Co.,* 128 U S 258, 32 L Ed 448, 9 S Ct 107 (1888); *Conboy* v. *First Nat. Bank,* 203 U S 141, 51 L Ed 128, 27 S Ct 50 (1906); *Old Nick Williams Co.* v. *United States,* 215 U S 541, 54 L Ed 318, 30 S Ct 221 (1910); *Brainerd* v. *Beal,* 498 F 2d 901 (7 Cir 1974); *Harris Truck Lines, Inc.* v. *Cherry Meat Packers, Inc.,* 303 F 2d 609 (7 Cir 1962).

Jurisdiction is the power to declare the law, and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the case. See: *Ex Parte McCardle,* 74 U S 506, 514, 19 L Ed 264 (1869).

WHEREFORE, Defendants-Appellees pray for an order dismissing the appeal in this case for the reason that this Court does not have jurisdiction to further consider this appeal.

Respectfully submittted,
/s/ Michael J. Murray
Michael J. Murray
/s/ Paul H. Heineke
Paul H. Heineke

MICHAEL J. MURRAY
Board of Education of
the City of Chicago
228 North LaSalle St.
Chicago, IL 60601
641-3900

PAUL H. HEINEKE
CHRISTINE A. ZIELINSKI
135 South LaSalle St.
Chicago, IL 60603
236-6655

CERTIFICATE OF MAILING

I, PAUL H. HEINEKE, hereby certify that on June 10, 1980, I served copies of the following documents entitled:

Motion of Defendants-Appellees to Dismiss the Appeal in Case No. 80-1482;

Memorandum of Law in Support of the Motion of Defendants-Appellees to Dismiss the Appeal in Case No. 80-1482; and Notice of Filing

upon the following:

Ms. Anabel J. McCutcheon
1917 Tanglewood Dr., Apt. 3B
Glenview, IL 60025
(Certified Mail No. 534134-Return Receipt Requested)

Ronald S. Cope. Esq.
Ancel, Glink, Diamond & Murphy
180 North LaSalle St., Rm. 2600
Chicago, IL 60601

Michael J. Murray, Esq.
Board of Education of the City of Chicago
228 North LaSalle St., Rm. 312
Chicago, IL 60601

Thomas P. Brown, Esq.
221 North LaSalle St.
Chicago, IL 60601

by placing a copy of said documents in a properly addressed envelope with proper postage prepaid and then inserting it in the United States Mail Chute located at 15 South LaSalle St., Chicago, IL 60603, a copy of which is hereto attached.

/s/ Paul H. Heineke

UNITED STATES COURT OF APPEALS

For the Seventh Circuit

Chicago, Illinois 60604

June 12, 1980

No. 80-1482

ANABEL J. MCCUTCHEON,

Plaintiff-Appellant,

vs.

THE BOARD OF EDUCATION, CITY OF CHICAGO, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
Nos. 76-C-4763 & 78-C-3894
Judge GEORGE N. LEIGHTON

NOTICE TO RESPOND

TO: Ms. Anabel J. McCutcheon,
1917 Tanglewood Dr., Apt. 3B,
Glenview, IL 60025
Mr. Thomas P. Brown,
221 N. LaSalle Street,
Chicago, IL 60601

A RESPONSE (AN ORIGINAL AND THREE COPIES, WITH PROOF OF SERVICE) IS REQUIRED ON OR BEFORE June 23, 1980

TO the "MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482" filed herein on June 10, 1980 by counsel for the defendants-appellees.

Copies to:

Mr. Michael J. Murray, 228 North LaSalle Street,
Chicago, IL 60601
Mr. Paul H. Heineke, 135 South LaSalle Street,
Chicago, IL 60603

UNITED STATES COURT OF APPEALS

For the Seventh Circuit

Chicago, Illinois 60604

No. 80-1482

ANABEL J. MCCUTCHEON,

Plaintiff-Appellant,

vs.

THE BOARD OF EDUCATION, CITY OF CHICAGO, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

Nos. 76-C-4763 & 78-C-3894

Judge GEORGE N. LEIGHTON

RESPONSE TO DEFENDANTS-APPELLEES MOTION TO DISMISS IN CASE

No. 80-1482

Now comes the defendants-appellees in the United States District Court case, docket number 78 C 3894, to wit, Board of Education of the City of Chicago, Carey B. Preston, Margaret Wild, Herbert Johnson, Henry McGee, Joseph P. Hannon, William Rohan, Gerard J. Heing and Nina Jones, by one of their attorneys Thomas P. Brown, and pursuant to the Court's order of June 12, 1980, submit this "Response."

1. Counsel Thomas P. Brown, representing the defendants, as above noted (in 78 C 3894), specifically joins in the motion to dismiss this appeal, including the memorandum in support thereof.

2. As additional grounds, defendants aver that plaintiff has never filed an appeal in 78 C 3894.

3. With regard to U.S.D.C. 78 C 3894, the following docket entries are relevant:

(a) Consolidating of 78 C 3894 with 76 C 4763 (NR. 11 (a) & (b), per orders of November 6 and 8, 1978.

(b) Order dismissing cause as to all individual defendants; direct defendant Board of Education to answer the complaint; vacate all prior orders of consolidation; consolidate the remaining action with 76 C 4763 for trial (NR. 22), entered December 4, 1979.

(c) Judgment order that plaintiff take nothing. (NR. 29), entered February 27, 1980, per order dated February 25, 1980.

4. With regard to 76 C 4763, that docket contains these additional relevant entry:

(a) Judgment order that plaintiff take nothing (NR. 105), per order dated February 25, 1980.

(b) File plaintiff's notice of appeal (NR. 112), dated March 31, 1980.

5. Plaintiff has therefore initiated only one appeal, but in 76 C 4763, and not in 78 C 3894.

6. The consolidation of the case against the sole remaining defendant in 78 C 3894, the Board of Education, was for purposes of trial only; and upon the entry of a final order, the plaintiff must file a timely notice in each civil case in which she intends to appeal, Fed. Rules of App. Proced., Rule 4(a).

7. The sole procedure for consolidated appeals is contained in F.R.A.P. Rule 3(b), but this rule cannot be implemented until and unless the appellant affects a timely notice of appeal in all cases which are to be considered for consolidation.

8. Plaintiff-appellant's notice of appeal assigned eleven trial errors, all applicable to the trial in 76 C 4763:

a) One error assigned to date of final order.

b) Three errors assigned to court rulings re: examination of witnesses.

c) One error assigned to the denial of the petition for rehearing.

d) Two errors assigned to the pre-trial dismissal of various defendants in Count II and Count IV of the Amended Complaint, upon motions by their counsel.

e) Two errors assigned to consolidations.

f) One error assigned to a denial of change of venue.

g) One error assigned to the trial judge's ruling upon the order of presenting evidence.

9. Plaintiff's Petitions for Rehearing were filed only in 76 C 4763, and related to the dismissal, or summary judgment, of the Chicago Principals' Association defendants (NR. 106,107,111).

10. Accordingly, plaintiff-appellant has not only never filed a notice of appeal in 78 C 3894, she has indicated by the post-trial motions and notice of appeal in 76 C 4763 that this is the only case on appeal before the Court of Appeals.

Wherefor, inasmuch as plaintiff-appellant has failed to file a timely notice of appeal and, in any event, has never filed a notice of appeal in 78 C 3894, this honorable Court should dismiss the appeal forthwith.

Respectfully submitted,
/s/ Thomas P. Brown
Thomas P. Brown

Thomas P. Brown
221 N. LaSalle Street
Chicago, Illinois 60601

CERTIFICATE OF SERVICE

I, Thomas P. Brown, the attorney, certify that I caused a copy of the attached Response to Defendants-Appellees Motion to Dismiss in Case No. 80-1482 to be served on parties of record by depositing it in the United States mail, with full postage prepaid, at Chicago, Illinois, before the hour of 5 p.m. on June 23, 1980.

/s/ Thomas P. Brown
Thomas P. Brown

Thomas P. Brown
221 N. LaSalle Street
Chicago, Illinois 60601

UNITED STATES COURT OF APPEALS

For the Seventh Circuit

Chicago, Illinois 60604

June 26, 1980.

Before

Hon. ROBERT A. SPRECHER, Circuit Judge
Hon. WILLIAM J. BAUER, Circuit Judge
Hon. HARLINGTON WOOD, JR., Circuit Judge

ANABEL J. MCCUTCHEON,

Plaintiff-Appellant,

No. 80-1482

vs.

THE BOARD OF EDUCATION, CITY OF CHICAGO, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

Nos. 76-C-4763 & 78-C-3894

Judge GEORGE N. LEIGHTON

This matter comes before the court for its consideration upon the following documents:

1. The "MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482" filed herein on June 10, 1980.

2. The "RESPONSE TO DEFENDANTS-APPELLEES MOTION TO DISMISS IN CASE NO. 80-1482" filed herein on June 23, 1980, by counsel for the defendants-appellees.

3. The "PLAINTIFF'S RESPONSE TO THE COURT ORDER TO RESPOND TO THE "MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482 FILED herein on June 10, 1980, by Counsel for the Defendants-Appellees." filed herein on June 23, 1980.

4. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *BESSIE LAWRENCE*" filed herein on June 23, 1980.

5. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *JAMES MOFFAT*" filed herein on June 23, 1980.

6. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *JOHN CAREY*" filed herein on June 23, 1980.

7. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *SAMUEL DOLNICK*" filed herein on June 23, 1980.

8. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *NINA JONES*" filed herein on June 23, 1980.

9. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *GERARD J. HEING*" filed herein on June 23, 1980.

10. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *WILLIAM ROHAN*" filed herein on June 23, 1980.

11. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *JOSEPH P. HANNON*" filed herein on June 23, 1980.

12. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *HENRY McGEE*" filed herein on June 23, 1980.

13. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *HERBERT JOHNSON*" filed herein on June 23, 1980.

14. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *MARGARET WILD*" filed herein on June 23, 1980.

15. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT *CAREY B. PRESTON*" filed herein on June 23, 1980.

16. The "PLAINTIFF'S MOTION TO STRIKE WITH PREJUDICE THE INACCURATE: "MOTION OF DEFENDANTS-APPELLEES TO SUPPLEMENT THE RECORD ON APPEAL AND MOTION OF DEFENDANTS-APPELLEES FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE BRIEF" filed herein on June 23, 1980.

Treating plaintiff-appellant's motions for summary judgment as responses to the defendants-appellees' motion to dismiss,

IT IS ORDERED that the defendants-appellees' motion to dismiss is hereby GRANTED and this appeal from a decision of the United States District Court for the Northern District of Illinois is hereby DISMISSED.

IT IS FURTHER ORDERED that the "PLAINTIFF'S MOTION TO STRIKE WITH PREJUDICE THE INACCURATE: "MOTION OF DEFENDANTS-APPELLEES TO SUPPLEMENT THE RECORD ON APPEAL AND MOTION OF DEFENDANTS-APPELLEES FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE BRIEF" is hereby DENIED.

FILED
DEC 29 1980
CLERK

No. 80-724

In the

Supreme Court of the United States

OCTOBER TERM, 1980

ANABEL J. McCUTCHEON,

Plaintiff-Petitioner.

vs.

1. BOARD OF EDUCATION CITY OF CHICAGO
2. CAREY B. PRESTON
3. MARGARET WILD
4. HERBERT JOHNSON
5. HENRY McGEE
6. JOSEPH P. HANNON
7. WILLIAM ROHAN
8. GERARD J. HEING
9. NINA JONES
10. CHICAGO PRINCIPALS Local 2, AFL-CIO
11. SAMUEL DOLNICK
12. JOHN CAREY
13. THOMAS NAYDER
14. CATHERINE ROHTER
15. EDGAR G. EPPS
16. CARMEN VELASQUEZ
17. LOUISE MALIS
18. JAMES F. REDMOND
19. GUY BRUNETTI
20. MICHAEL WRENN
21. JAMES MOFFAT
22. THOMAS FINNEGAN
23. BESSIE LAWRENCE
24. ANGELINE CARUSO
25. OTHO ROBINSON
26. SHIRLEY STACK
27. VINCENT J. CONROY

Defendants-Respondents.

Appeal from the United States Court of Appeals for the Seventh Circuit
Judge ROBERT A. SPRECHER
Judge WILLIAM A. BAUER
Judge HARLINGTON WOOD

REPLY BRIEF OF PETITIONER

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TABLE OF CONTENTS

PAGE

Untimely Brief of Respondents 1

Motion for Disbarment of Attorneys for Misconduct, Breach of Duty, Negligence 2

Motion For Judgment of Default of Defendant James Moffat 21

Motion for Judgment of Default of Defendant Samuel Dolnick 23

Motion For Judgment of Default of Defendant Chicago Principals Association 24

Conclusion 26

Appendix

A— Letter from Michael Rodak, Jr. 1b

B— W-2 Forms, 1971, 1972 .....2b-3b

Employee's Statement of Earnings . . . 1972 .. 4b

Employee's Statement of Earnings . . . 1973 .. 4b

73 Ch 1355 Answer Board of Education Statement of Earnings, par 25 ..... 5b

C— Opinion of Attorney BOARD OF EDUCATION MICHAEL J. MURRAY as regards implementation of Ill. Stat. §34-18.1, *Rules,* 2-12 ..... 7b

D— Minute Order Ruling of Judge Grady, 11/1/78 8b

E— Consolidation Minute Order Judge Leighton 11/3/78 Resist Surrender of Court File to *Pro Se* Plaintiff upon Motion of Defendant Attorneys HEINEKE, COPE 10b

PAGE

F— Judge Parsons' Order of Transfer, 11/8/78 Ipso Post Facto Consolidation 11b

G— Minute Order of Judge Leighton on Vacation for Thomas Finnegan 12b

H— Affidavit and Motion for Change of Venue and related Minute Orders 13b

TABLE OF AUTHORITIES

Rules of the BOARD OF EDUCATION, CITY OF CHICAGO

Section 4-20

Section 2-12

Illinois State Statutes Revised, 1975: Chap. 102:

Section 41

Chap. 122: Section 34-18.1

Section 34-49

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

No. 80-724

ANABEL J. McCUTCHEON,

Plaintiff-Petitioner,

vs.

1. BOARD OF EDUCATION CITY OF CHICAGO
2. CAREY B. PRESTON
3. MARGARET WILD
4. HERBERT JOHNSON
5. HENRY McGEE
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27. VINCENT J. CONROY

Defendants-Respondents.

Appeal from the United States Court of Appeals for the Seventh Circuit
Judge ROBERT A. SPRECHER
Judge WILLIAM A. BAUER
Judge HARLINGTON WOOD

REPLY BRIEF OF PETITIONER

NOW COMES the Petitioner, ANABEL J. McCUTCHEON, *Pro Se,* to file a Reply Brief in answer to an UNTIMELY FILED (Nov. 27, 1980) BRIEF FOR RESPONDENTS' BOARD in violation of the U.S. Supreme Court Rule #24. That the Clerks (Edward Schlade and Michael Rodak, Jr.) of the U.S. Supreme Court discrimi-

natingly returned *hers* as alleged untimely but not *his* misinterpreting the rule as "docketing" and not "receipt" of petition" [Ex. A]:

> 1. "Counsel for the respondent shall have thirty days (unless enlarged by the Court or a justice thereof, or by the Clerk under the provisions of paragraph 5 of Rule 34) after *receipt of a petition* [Oct. 14, 1980] within which to file forty printed copies of an opposing brief, disclosing any matter or ground why the cause should not be reviewed by this Court."

and to further distort the record, Defendant Board Attorneys failed to file a dated affidavit, certificate of service and to follow the rules of format, effective July 1, 1980. [They did not present the questions at issue before the Court, but entered a "dog fight" argument with falsified dates and phony issues from those in the record and evidence before the Courts.] That Petitioner also was ordered to revise format placing questions in the front; That respondents followed no format, did not answer the issues or present any evidence for their wild allegations of "dog fight", "absurdity", "she just wants to complain", and "revised appendix", ad infinitum, ad nauseum. For these reasons and those stated herein, Petitioner seeks a Judgment in her favor as follows:

MOTION FOR DISBARMENT OF ATTORNEYS FOR MISCONDUCT, BREACH OF DUTY, NEGLIGENCE

Now Comes the petitioner, as a VICTIM and TAXPAYER, to file a motion for the disbarment of Defendant Board Attorneys MURRAY, HEINEKE, BROWN, ZIELINSKI, SCANLON and Defendant Union Attorneys COPE, ROSENBERG and/or any other proper discipline the Court deems proper, and charges as follows:

1. Petitioner is a resident of the State of Illinois, County of Cook and has held the position of principal in the Chicago Public Schools since Sept., 1963 until Oct. 5, 1977; having taught in the public schools for 18 years previous to her promotion to principal under Board Rules,

"Certificate Requisite to Appointment on Teaching Force" #4-20:

> "No person shall be appointed to any position on the teaching force without the appropriate certificate therefor, nor shall any person be advanced to a higher position for which an examination is provided than that specified in the certificate, without additional examination and proper certificate for such advanced position."

2. Defendant, Chicago Board of Education (the "Board") is now and at all times relevant hereto has been a body politic and corporate maintaining a system of free schools and exercising general supervision and management of public education in Chicago.

3. In a precedent setting action, during December, 1979 (trial of this suit) the Illinois Legislature created the Chicago Finance Authority (the CFA) which was upheld by the Illinois Supreme Court in *Polich* v. *Chicago Finance Authority,* 79 Ill. 2d. 188, *supra* "Brief and Appendix for the Petitioner, Oct. 14, 1980" for the purpose of limiting the spending of funds by the BOARD. A condition of the funding of $800,000,000 of borrowed State funds (not Chicago School Funds) was the dismissal of the individual incumbent Board members (Defendants #2-5, #12-17) and the establishment of a new Board, May 1, 1980.

4. At all said times, Defendant MICHAEL J. MURRAY was, and still is, the duly (politically) appointed, qualified and acting ATTORNEY FOR THE BOARD (old and new) but has never been designated by the Board as an attorney for any individual employee in accordance with Board *Rules*, #2-12:

> "Attorney's Appearance in Legal Proceedings. The Attorney shall appear for and protect the rights and interests of the BOARD . . . in all cases, suits, and proceedings brought by or against the BOARD of Education or any member, officer or employee in his official capacity; provided, however, that when a Board of Education employee is sued personally, even if the cause of action arises out of his official duties, the attorney shall appear for such Board of Education employee only in case the Board of Education directs him to do so."

5. By virtue of the above *Rules*, 2-1, 2-12: it became the duty of Defendant Attorney MICHAEL J. MURRAY and 17 other attorneys under his direction in the matters pertaining herein, to separate themselves (MURRAY and his Assistant EARL B. HOFFENBERG being Defendants in consolidated cases 78 C 3899, 78 C 3955, Nov. 3, 1978 through Nov. 30, 1979) and other individual employees from the Body Politic Board and to conduct such business in public meeting in accordance with the Ill. Rev. Stat., 1975, Chap. 102:

> "#41.1 Public Policy.
>
> It is the public policy of this State that the public commissions, committees, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of this Act that their actions be taken openly and that their deliberations be conducted openly."

6. As well as to separate individual employees from the Board in the legal actions pending, by virtue of his position as the ATTORNEY FOR THE BOARD and agent of the COURT OF ILLINOIS; it was the duty of Defendant Attorney MURRAY, *et. al.* aforementioned attorneys to advise the BOARD/or UNION EXECUTIVE BOARD and the COURT, 1976 to date when they discovered evidence against individual employees/associate members (HANNON, LAWRENCE, JONES, CONROY, HEING, ROHAN, MOFFAT, FINNEGAN) such as padding of public payroll to grant overpayments of salaries to the male principals, District Three of the Title VII complaint now before the United States Supreme Court:

a) That on August 16, 17, 1977 because of plaintiff's deposition in the law offices of Defendant Attorney PAUL H. HEINEKE (in the presence of HAROLD JOY, member of his firm, and a UNION ATTORNEY) Defendant MURRAY had knowledge of padded payroll figures of all men principles, District Three, 1971, 1972, 1973, 1974, 1975 and continuing to date under an Administrative Compensation Plan that was one of the factors of the bankruptcy of the Board of Education, 1979, causing the schools to be closed for lack of funds.

b) That on Dec. 20, 1979 (the day before Chicago teachers did not get paid) the Board Salary Administrator THOMAS FINNEGAN (politically appointed teacher) without certification required by the State Statutes and Board *Rules,* #4-20 testified that male principal, *supra* KARL SIEWERS, was paid $10,000 over his salary scale by the same employees that brought trivial proceedings against the plaintiff to fire her.

c) That on or before Dec. 20, 1979 Defendant Attorney SCANLON presented a false Board Report of the alleged transfer of male principal DON WATERS, District Three, to the COURTENAY SCHOOL, 1970 as reason for his $10,000 overpayment of salary when DON WATERS was transferred to the Chappell School, 1970 and the COURTENAY School was not in existence until 1973—and was listed in the Budget 1971 (and in Petitioner's Deposition, Interrogatories) as the "Berteau, Hermitage, Trinity Facility".

1) That Petitioner was denied subpoenaed witness by Defendants and upheld by the Court of Judge Leighton: Mary E. Brennan, Assistant Secretary of the Board, who would not falsely certify this phony Board Report as deliberately, maliciously created by Attorneys.

d) That on or before Dec. 20, 1979 Defendant THOMAS FINNEGAN, Salary Administrator testified that male principal, DON RACKY, was overpaid more than $10,000 for merit while he was on 18 months' Board illness leave of absence, March, 1971-Dec., 1972 before any merit evaluation was made; at the same time that petitioner was reduced in salary over $2532—alleging that she was inadequate [Ex. B] BEFORE SHE RECEIVED ANY MERIT EVALUATION at all from Defendant VINCENT J. CONROY, who had established all male principals at higher salaries, at the same time that he had reduced all women, Sept. 1, 1971 with the implementation of this PLAN—the payrolls, W-2 forms for 1971, 1972 being admitted by the Court and then not submitted to the Appellate Court by H. Stuart Cunningham.

e) That in Sept., 1977 Defendant Attorney MURRAY brought secret proceedings against the aforementioned KARL SIEWERS to recover the money by 1979, but no misconduct charges were lodged against him—nor did he have loss of any money—at the same time that plaintiff was maliciously being prosecuted for trivialities behind locked doors. [78 C 3955]

f) That in Sept., 1977 Defendant UNION ATTORNEYS represented Karl Siewers in this action at the same time they denied representation to Petitioner. On Oct. 23, 1980 in other action, they lied about this representation. [Testimony of Defendant FINNEGAN, pp. 636 ff.]

7. By virtue of the Ill. Rev. Stat., 1975 Chap. 122: Sec. 34-49:

> "Contracts, Expense, and Liabilities Without Appropriation"
> "No contract shall be made or expense or liability incurred by the BOARD, or any member or committee thereof, or by any person for or in its behalf, not withstanding the expenditure may have been ordered by the BOARD, unless an appropriation therefor has been previously made. Neither the BOARD, nor any member, committee, officer, head of the department or bureau [MICHAEL J. MURRAY] or employee thereof shall during a fiscal year expend or contract, incur liability in excess of the amounts in the budget. Any contract, verbal or written, made in violation of this section is
>
> "VOID"

it was the duty of ALL DEFENDANTS, the "Defunct" and the "new" BOARD, THE ATTORNEY FOR THE BOARD; and it became the duty of the CHICAGO FINANCE AUTHORITY to void any "secret" agreements with HEINEKE, BROWN,

8. On Octo. 16, 1975 Defendant Attorney MICHAEL J. MURRAY and the UNION ATTORNEYS who represented KARL SIEWERS, then and there well knew, that they could not deny Petitioner, "protection from Suit" under the Ill. Rev. Stat., 1975: § 34-18.1 [Exhibit "C" filed with the EEOC and notarized Oct. 30, 1975] and then discriminatingly represent 15 individual employees [Respondents' Brief, pp. 5-6] in this Title VII action—allegedly under the same statute:

> "Here a mistaken fact was again placed in the record by plaintiff (deliberate lie), which was reiterated many times (deliberate lie), although petitioner knew her statement was incorrect (Gestapo technique of the big lie repeated). Sec. 34-18.1 of Chap. 122 of the Ill. Rev. Stat for 1977 (lie) reads as follows:"
> "34-18.1 *Protection from suit.* The board of education shall insure or indemnify and protect the board, any member of the board or any agent, employee, teacher, student teacher, officer or member of the supervisory staff of the school district against financial loss and expense, including reasonable legal fees and costs. . ."
> "From a period of April, 1973 to April, 1976 there was an insurance policy obtained by the Board of Education pursuant to that statutory directive. That insurance policy had attached to it an endorsement which obligated the insurance company issuing it to protect the Board of Education against financial loss and expense "including reasonable legal fees and costs"

Paragraphs #1 and #3 are lies, misrepresentation negligently and maliciously placed before the Court by Defendants, who not only contradict themselves in these three paragraphs, but also fail to put any evidence in the record of said insurance policy policy they are allegedly implementing on behalf of the Board—nine months, 1, 2,

3, years after it expired. The Title VII suit (76 C 4763) being filed Dec. 1, 1976 and the 78 C 3894 being filed Sept. 28, 1978; the trial started Dec. 17, 1979 and the appeals May, June, July, 1980.

9. On Nov. 1, 1978 by virtue of a ruling of Judge John Grady [Ex D] in consolidated 78 C 3899: Defendant Attorney HEINEKE of the Law Firm of HEINEKE, HEALY, BURKE was ordered to show cause why he was defending individual employees BOARD without a contract made in open meeting as discussed herein in paragraphs 4, 5, and 11: it was his duty to present the evidence of this alleged insurance contract, "April, 1973 - April, 1976" (p. 6 of Respondents' Brief) as it is his duty now to present such evidence, curiously missing from all court records and the Appendix of Respondents' Brief because said contract: 1) did not exist for the alleged date of 1976 and 2) did not exist, 1976-1980, by negligence and violation of the statute.

a) That on Nov. 3, 1978 PAUL HEINEKE, THOMAS BROWN and EARL B. HOFFENBERG, Defendant 78 C 3899, 78 C 3955, went "ex parte" to [Ex E] Judge Leighton (and on Nov. 2, 1978 to Judge Marshall) to improperly consolidate these three cases for which they had no contract or direction (Hoffenberg) to represent the BOARD by their own admission in their own Respondents' Brief above.

b) Subsequently Chief Justice Parsons, transferred these three [Ex F] cases ipso post facto of the consolidation; the male Judges of the Appellate Court, THOMAS FAIRCHILD, LUTHER SWYGERT, WALTER CUMMINGS having no record submitted to them on the previous appeals 78 C 2538, 78-2539, and 78-2545, upheld this wrongful consolidation, not withstanding that

they reprimanded Judge George N. Leighton for consolidating before he had jurisdiction over these three cases. He so reported at the Jan. 19, 1979 status call, wherein Defendant Attorney Brown lied and stated that plaintiff's appeal was of the order of transfer of Chief Justice Parsons creating hostility for plaintiff from Judge George N. Leighton because of his error of taking over the cases before they were transferred to him by Chief Justice Parsons.

10. Plaintiff then and there complied with and performed all legal conditions precedent to the performance of said duty by Defendants in that she served aforementioned individuals with separate summonses; motions for default of each individual who did not answer or file an appearance in the district as well as the appellate courts; answered all interrogatories for the Board and Union with precise terms and salary figures of the overpayment of all males, District Three, and reduction of females District Three; presented W-2 forms, payrolls admitted as the best evidence and filed timely Notices of Appeals and timely Briefs in both the Appellate and U.S. Supreme Court as placed before the Court in her Petition and Appendix, pp. 29a through 31a which includes all the questions placed before the Appellate and Supreme Courts.

11. Defendants BOARD through their Attorneys MURRAY, SCANLON, HEINEKE, BROWN, ZIELINSKI then and there refused and still refuse to perform said duties in violation of the Illinois Statutes and Board *Rules* herein discussed. In addition PAUL H. HEINEKE and THOMAS BROWN filed a motion for reimbursement of their legal fees to individual employees, Dec. 27, 1979—advised 14 certain Defendants subpoenaed witness who did not appear to keep the "witness fees" advanced

to them for their appearance. They were supported by the Court, in that the motion was denied, but the Judgment Order reads recovery of their fees to individuals when Defendants now claim that these fees were paid by the Board under Ill. Rev. Stat., 1975: chap. 122: § 34-18.1. [Pages 5-6 in the Respondents' Brief.]

12. That this new BOARD and Acting General Superintendent CARUSO is precisely charged with limitations of personnel activities (such as described above) and the "cutting" of excessive spendings: it was and is the duty of Defendants General Superintendents: JAMES F. REDMOND, JOSEPH P. HANNON, and ANGELINE CARUSO to account for these expenditures monthly for the printing, court reporters, supplies, etc. in this four-year action by self-appointed attorneys:

> BOARD *RULES*, 5-13: *Purchase Limitations.*
> No purchases shall be made except as provided in these rules. No officer or employee not expressly authorized by these rules shall make any purchase on behalf of the BOARD or enter into any contract of purchases, verbal or written, for any equipment, supplies, SERVICE, repairs, goods. . . Any contract, verbal or written, made in violation of this section is void as to the BOARD. . ."

[Note that these Rules in Section 5 precisely follow the State Statute as cited in paragraph 11.]

Naturally, Defendants do not wish any court to look too closely at their NO CONTRACT TO REPRESENT THE BOARD in this action initiated 1 to 3 years after their contract had expired; Defendants do not wish this august court to investigate the contract of JOSEPH P. MAHRON, which was made without Equal Economic Opportunity for WOMEN—by political appointment in total disregard of the Illinois Fair Employment Practices Act

or the Equal Pay Amendment. That under the "Shakman Decree" that appointment can and will be challenged:

> "Can political sponsorship or other political considerations be taken into account in hiring employees? If so, to what extent can such consideration be taken into account?"*

That the Defendant Attorneys, superintendents, BOARD and the CHICAGO FINANCE AUTHORITY have failed to terminate or restrict the employment, employment benefits of defendant individuals, or to account for the court costs, legal fees expended on their behalf in the legal actions arising out the Title VII complaint and the wrongful discharge of plaintiff.

13. By virtue of the Administrative Compensation Plan, effective Sept. 1, 1971: it was the duty of Defendants to pay plaintiff (and other women principals) at the rate/conversion of an 8% raise granted January, 1971 for ten months' service based on seniority only:

Yearly	$18,810.00	
Vacation	940.50	
Overtime		
Sept. 1-3	282.15	
	$20,032.65	placed before the Court 12/18/79

That all women principals (except Beverly Luptak with a larger school) were reduced $522.89 on Sept. 1, 1971 in order to overpay the men named herein; and Bea Cox (who had filed suit against the Board also) and plaintiff were reduced $2,010 from her published salary of $23,-

* Consent Judgment entered May 5, 1972 by Judge Marovitz, District Judge.

513 on Dec. 11, 1972 ipso post facto of alleged inadequacy for the full year of 1972—such rating and warning never having been given until Nov. 15, 1972 [Pl's Ex. Group #2 admitted before the Court and attached in this Appendix "B"]. This plan calls for no salary reduction.

That male principals KARL SIEWERS, DON WATERS, DON RACKY, RON CESTAR, DOUGLAS MODEROW, MARTIN GRAY, and WILLIAM POLLACK (Counterpart of BEVERLY LUPTAK, LYDIA GLUSS) were not reduced equally. In April, 1973 the other remaining male principals had their school classifications raised on a dwindling enrollment so that they could receive the second "merit" raise at the same time that a ceiling was placed on females.

That Defendants were negligent in their duty in not hearing (BOARD) and representing (UNION) plaintiff in her *grievances—THAT JUDGE LEIGHTON DENIED HER THE RIGHT TO HAVE IN VIOLATION OF THE 1st AMENDMENT) for restoration and equal pay. That they represent and heard BEVERLY LUPTAK, LYDIA GLUSS only after plaintiff filed her EEOC charges.

14. By virtue of his position as ACTING ATTORNEY, 1973, FOR THE BOARD and by virtue of the McCutcheon Complaint, 73 ch 1355: it was the duty of Defendants to report and correct the Administrative Compensation Plan. Defendants had the duty to raise Plaintiff's salary on the basis of an earned "Merit" raise—

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*PP. 138 L 8-25; 13-19: "From the time she began her career (ERROR) as principal, she began filing grievances, complaints, charges" denying her protected constitutional rights with no evidence in the record. Principal: 1963; Complaint 73 ch 1355: 1973; EEOC Charges, 1974.

her evaluation of Level II for the THIRD RATING YEAR, July 1, 1973-August 31, 1974. Defendant THOMAS FINNEGAN lied about this rating, eliminating it from the Defendants' exhibits: "There was a difference in the efficiency ratings of the two individuals as well as the size (alleged no longer factor of merit) of the school" [Transcript, Page 1321 ff]. That Defendant THOMAS FINNEGAN, whom Defendant Attorney HEINEKE attempted to send on vacation [Ex G] during the trial call—and who left the jurisdiction with the silent approval of the Court, Nov. 1-13, 1979: again lied on page 1450, lines 7-15 by stating that Charles Pace received a reduced salary, when the payrolls in evidence (conveniently "lost", altered, and not sent to Appellate Court by H. Stuart Cunningham) AND REMOVED FROM THE DOCUMENTS ALLEGEDLY "OFFERED" TO PLAINTIFF BY THE GOOD-HEARTED DEFENDANTS AFTER SHE FILED A MOTION FOR THEM, show that CHARLES PACE, JACOB SAMUELSON (whole truth left out by Defendant TF) received a raise of over a thousand dollars that their female counterparts were denied at the same school, same office, same desk, same merit II.

At this time Defendant Attorney Heineke was also negligent in his duty by testifying for Defendant TF by stating that Plaintiff received $28,000 (at the same time above men were receiving $29-$30,000) and that Betty Gorman received a salary of $30,000 (at the same time others with comparable schools were receiving $38,000-$40,000 [Lane]); with no evidence and not a shred of truth in *his* testimony, it was accepted over *hers*. That Plaintiff's W-2 forms show lessor salaries than those reported by the Board Defendants; yet the

Honorable Judge Leighton prejudicially permitted this testimony from an attorney. That *his* Court upheld Defendant Attorneys by denying *her* Motion for a Change of Venue . . . which clearly stated their lack of a public ontract [Ex. H].

Whereas, Defendant Attorneys Board (HEINEKE, BROWN, ZIELINSKI) had no contract (admitted by Defendants' Brief, p. 6) in accordance with the Illinois Statutes #34-49 (Supra, par. 7) and #34-18.1 (p. 7) and MURRAY, SCANLON, HOFFENBERG had no authority in supra, par. 12 accordance with Board *Rules,* 2-12 and the DEFENDANT BOARD had no insurance in accordance with the Ill. Stat., 1975: §34-18.1, which the Defendants so glibly cite having knowingly and maliciously been negligent "to insure and indemnify" and present no evidence in the record to support their claim to PUBLIC FUNDS, 1976-1980 TO REPRESENT THE BOARD OR INDIVIDUALS:

[Question #3]

THE PLAINTIFF WAS DENIED A FAIR APPEAL AND EQUAL REPRESENTATION BEFORE THE COURT by this wilful misrepresentation of public attorneys.

[Question #4]

THE CHICAGO FINANCE AUTHORITY IS NOT ANTHORIZED, 1979-1980, BY THE STATE TO HONOR THESE "SECRET" CONTRACTS WITH LAW FIRMS: PAUL HEINEKE AND THOMAS BROWN TO REPRESENT DEFUNCT BOARD MEMBERS, AGENTS, EMPLOYEES made by self-appointed attorneys at public expense.

[Question #5]

THE INDIVIDUAL DEFENDANTS AND THE BOARD ARE THE RECIPIENTS OF ILLEGALLY TRANSFERRED STATE AND FEDERAL FUNDS IN THE FORM OF LEGAL FEES, SERVICES, COURT COSTS IN VIOLATION OF BOARD RULES, 2-12 (*supra,* par. 7) AND THE ILLINOIS STATE STATUTES, chap. 122: §34-49 (*Supra,* par. 7).

Whereas, Defendant Attorneys BOARD (HEINEKE, BROWN, ZIELINSKI) had no contract in accordance with the Statute, #34-49, p. 6] and MURRAY, SCANLON, HOFFENBERG had no direction in accordance with the BOARD *Rules,* 2-12, par. 4] and no authority to represent the BOARD or individuals and the DEFENDANT BOARD was negligent in having no insurance "to insure and indemnify" in accordance with the Ill. Rev. Stat., 1975, §34-18.1, which Defendants so glibly cite without any evidence in the record at any time that said statute was implemented by them, Dec. 1, 1976-1980;

Whereas, these self-appointed BOARD Attorneys MURRAY, SCANLON, HEINEKE, BROWN, and ZIELINSKI filed a false affidavit or no affidavit (SCANLON, ZIELINSKI) in violation of the United States Supreme Court Rule #39 for the BOARD and individual defendants and were prejudicially permitted to practice by the all-male district and appellate courts, despite Plaintiff's petitions, motions for EQUAL REPRESENTATION BEFORE THE COURT AS A WOMAN, NON-ATTORNEY;

1) Plaintiff had to obtain a Right To Sue letter to sue a public body

2) Defendant Attorneys have to obtain a public contract to defend a public body. Ill. Stat. Rev. 34-18.1 **(Res Brief p. 5-6)**

Whereas, these self-appointed BOARD ATTORNEYS MURRAY, SCANLON, HEINEKE, BROWN, and ZIELINSKI also filed a false affidavit (Defendants' Brief and Appendix, p. 4a-15a) regarding procedures and dates, which they simply lied about—SUCH LIES BEING ACCEPTED BY THE COURT WITHOUT EVIDENCE AS FOLLOWS:

1. Pl.'s Evidence	Date of Document	Defendants' Lie
1. Judgment Order p. 45a, line 3	Entered 2/28/80	Entered 2/25/80
March 14, 1980 Transcript Motion Filed 3/12/80 3/14/80 (Pl.'s App. 22a-27a)		Filed 3/14/80 "Disissal of Union" Nov. 1, 1980 Revised—No!
April 4, 1980 Transcript	April 4, 1980	Untimely Filing of Pl.'s Motion for RE-HEARING

Please note that only Defendant Attorney HEINEKE was permitted to speak and misrepresent Plaintiff's Motion as "Dismissal of the Union"; That Defendant Attorney HEINEKE WAS NOT THE UNION ATTORNEY proves the collusion with the BOARD and UNION for larger male salaries.

Judge Leighton's Minute Order, [Pl.'s App. 45a]	Denial of Rehearing March 21, 1980	Untimely Filing of Pl.'s Motion for RE-HEARING March 14, 1980 April 4, 1980
Pl.'s NOTICE OF APPEAL [Pl.'s App. p. 29a]	March 31, 1980	April 4, 1980 BUT NO EVIDENCE OF ANY DATE IN THEIR BRIEF
Pl.'s Supreme Court Brief and Appendix	Docketed 10/14/80 Docketed 10/14/80	Nov. 1, 1980 Revised—No!

These lies and legal trickery were permitted in the Courtroom of Judge Leighton, who also dismissed plaintiff's attorneys before trial over her motion filed in opposition, denied her discovery with her new attorney, forcing her to go *pro se;* in addition Judge Leighton, acknowledging that he was denying plaintiff equal representation ordered her to submit: "Proposed Findings of Facts" and "Conclusions and Law" which she submitted per the form he demanded. That the Defendants submitted opinions: That the Administrative Compensation Plan did not have to be a good one when Defendants failed to prove it "bonafide" necessary in a Title VII defense.

That Judge Leighton never decided on one issue of these "Proposed Findings of Fact" and "Conclusions of Law" because of the many misrepresentations of Defendants as well as the ex parte communications which caused him to declare that this is not "sex discrimination" but "insubordination". That Defendants deliberately misrepresented Plaintiff's reduction and lessor salary, 1971-1972, as a result of her alleged misconduct, 1975-1976 again accepted by the all male Courts WITH NO EVIDENCE IN THE RECORD and with the letters written to H. Stuart Cunningham and true dates failing to be docketed to support Defendants.

Whereas, all Defendants BOARD and UNION suppressed the evidence against other conspirator defendants and against employees they did not represent (KARL SIEWERS, DON RACKY, DON WATERS, RON CESTAR, MARTIN GRAY, JACOB SAMUELSON, and CHARLES PACE) and whimsically fail to file an appearance for JAMES MOFFAT, guilty of "moonlight-

ing", who received an alleged demotion to a school principal's job for such deception at the same time that BEULAH JONES, ANABEL J. McCUTCHEON are fired for trivialities when the above men were overpaid by the padding of public payroll with false enrollment figures;

Whereas, Defendants have failed to answer all the Questions at issue or to support their wild allegations of a "dog fight", not withstanding that the Department of Justice issued a "Right to Sue" Letter, Sept. 28, 1976 six months' after the expiration of their contract, for which they presented no evidence either of the "dog fight" (only worthy of the masculine curs involved in female career, economic, and social rape) or of their alleged rights to represent anyone, in anyway they so desire in all prejudiced male Courts at public expense by misuse of funds—totaling $550,000,000: causing a nation disgrace to CHICAGO.

For the reasons herein discussed, Petitioner seeks a Judgment in her favor against Defendants:

1) for the dismissal/disbarment of Defendant Attorneys for misconduct, breach of duty, negligence or in the alternate a Judgment of Mistrial for which defendants pay all the costs from April, 1976 (expiration of their contract) to present date with an equal amount in damages.

2) for the establishment of a single administrative salary scale for all certified principals and the reduction of overpaid male administrators to that scale or if they are teachers called administrator—in violation of Board Rules, #4-20—THOMAS FINNEGAN, WILLIAM BARTUCE, JORY LEITMAN, and RAYMOND PRINCIPE, *Et. Al.* (politically appointed male teachers) their reduction to the salary scale of teachers.

3) for the restoration of her pay equal to the level of the highest pay because of the overlong discrimination, deliberate and malicious career, economic, and social rape to improvish her following her charges of discriminatory pay.*

4) for punitive damages in an equal amount of back pay;

for emotional damages in an equal amount of back pay;

for social damages in an equal amount of back pay. [76 C 4763 Title VII Principals' Salary Scale]

5) for punitive damages in an amount equal to her teacher salary from Sept. 7, 1976 [for 12 months]—until the time of her return to a position, 1981:

for social damages in an equal amount of her teacher salary, from Sept. 7, 1976 . . .;

for emotional damages in an amount equal to her teacher salary, from Sept. 7, 1976 . . .;

[78 C 3894 consolidated with Title VII Principals Suit]

6) for any other remedy the Court deems proper.

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* This is the rate of pay of the Lane Technical High School (originally for boys and which still has a "quota" for girls, for which she was denied an interview by Defendants: "NO GIRLS (principals) NEED APPLY, 1973, when Norman Silber, male principal of same seniority and certificate, was placed there by popular vote of Defendant Vincent J. Conroy.

* Rates of pay are specifically stated in Plaintiff's Interrogatories.

MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT JAMES MOFFAT

NOW COMES the Petitioner, ANABEL J. McCUTCHEON, *Pro Se*, to move this Honorable Court for a summary judgment of default against Defendant JAMES MOFFAT, Deputy Superintendent Board of Education, City of Chicago, who has failed to file an appearance and who has not been dismissed by the District Court or the Appellate Court.

That said Defendant was served with summons, 1977; specifically named in the Complaint as one of the Board Agents, responsible for "terminating plaintiff's employment with the Board." That he signed an improper suspension notice without any specifications, Sept. 15, 1976, for TEACHER FIRING after Plaintiff's charges to the EEOC, June 15, 1974. Said suspension subsequently lead to her dismissal, Oct. 5, 1977.

Petitioner prays this Honorable Court for an award of punitive damages in an amount not less than $250,000 comparable to her salary losses, Sept. 1, 1971-Jan. 1, 1981 for nine years of discriminatory pay less than that of male principals, District Three—OF WHICH HE WAS ONE with same seniority and certificate as Petitioner. The specific figures of her salary losses were placed before the Court and filed as early as March, 1978 in Plaintiff's Answers to the Union Interrogatories and failed to be submitted to the Appellate Court, 7th Circuit by H. Stuart Cunningham as per Question #2 before this Court. Defendant JAMES MOFFAT is also a member of the UNION—"Men's Club"—who represented him in his recent demotion so that he had no loss of salary, but who failed to represent Petitioner in criminal, suspension, and grievances, 1974-1980.

Petitioner seeks an additional $500,000 for emotional damages of a six-year vexacious delay, the female "put-down" by Defendant, who is boasted to be the "The Hatchet Man" for Defendant Joseph P. Hannon, who fires his critics (if they are women).

That up until he was allegedly demoted to the position of a school principal, Defendant Board Attorneys represented him—but now his name is crossed off the appearance form filed by them since he occurs in Petitioner's Brief, in the role of one of the villains, pp. 26-27.

Petitioner seeks an additional $500,000 for social damages for the social stigma attached to her firing, which this Defunct Deputy Superintendent, maliciously and knowingly perpetrated against her. In addition it is the social practice to award a 30-year teacher, principal with a PERSONNEL DINNER, and to honor her by the attendance of the Board, City Officials; for the teachers of the Audubon Social Club to honor a colleague after 30 years' service; the principals of District Three social club to honor a colleague after 30 years' service; and the members of the Chicago Principals Association to honor a colleague. Petitioner has been deprived of these honors by the manner of her firing.

Not only has social stigma been recognized by the Courts, but it is a peculiar feature of this cause because the above named Defendant (NEVER HAVING BEEN IN THE AUDUBON SCHOOL) signed his name to suspension Charge #3 (scanty and indecent clothing) accusing Petitioner of indecency by hearsay.

Wherefore, Plaintiff seeks redress of grievances by a Judgment of Default against Defendant JAMES MOFFAT, who should not be permitted to ignore the complaint against him in all the Courts.

MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT SAMUEL DOLNICK

Now Comes the petitioner, ANABEL J. McCUTCHEON, *Pro Se* to move this Honorable Court for a summary judgment of default against SAMUEL DOLNICK, President of the Chicago Principals Association, who has failed to file an appearance or answer this appeal.

That said Defendant was served with a summons, 1977; specifically named in the Complaint; and served with NOTICE OF APPEAL. That said Defendant, as President of the Chicago Principals' Association and a school principal on leave, acted as a Board Agent in "terminating plaintiff's employment," by testifying against her as a surprise witness on Sept. 26, 1977, although the CPA Governing Board had ordered her representation, Sept. 13, 1976.

At the same time as he acted with the Board to fire her, he represented male principal KARL SIEWERS, without Governing Board order, in charges brought against him for the recovery of $10,000 overpayment of salary under this discriminatory Administrative Compensation Plan. That Defendant SAMUEL DOLNICK suppressed this evidence against the male principal, but failed to represent Petitioner, ANABEL J. McCUTCHEON at any time for grievances, criminal or suspension charges:

FOLLOWING HER CHARGES AGAINST HIM, EEOC, Count IV in this suit: 76 C 4763. Petitioner prays this Honorable Court for punitive, emotional, and social damages of not less than $1,000,000 from this Defendant, who also must not be permitted to "thumb

his nose" at the Courts by failing to file an appearance in the Appellate [Pl.'s App. 14-a-15a] and the U.S. Supreme Courts.

MOTION FOR SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT CHICAGO PRINCIPALS ASSOCIATION — AFL-CIO

Now Comes the Petitioner, ANABEL J. McCUTCHEON, *Pro Se* to move this Honorable Court for a summary judgment of default against the Chicago Principals Association, which has failed to file any answer to the questions pending before the Court as the Union was dismissed before trial; before the revelation that they discriminatorily represented MALE PRINCIPAL, KARL SIEWERS in Board Proceedings against him for the recovery of $10,000 overpayment of salary at the same time that women principals were reduced. That the Union suppressed the evidence against a fellow male, not a Defendant, pertinent to an early resolution of this complaint, 1976 [Transcript, Dec. 20, 1979 pp. 636ff.]

That the Union failed to represent female petitioner at the same time, Sept., 1977, it was representing MALE PRINCIPAL, KARL SIEWERS. That Judge Leighton erred (and was upheld by the all male appellate court) in not rehearing the deliberate SEX DISCRIMINATION —listening only to BOARD ATTORNEY HEINEKE (who had filed no appearance to represent the UNION, but was always permitted to speak on anything he so desired) on April 4, 1980 AFTER HE HAD DENIED PLAINTIFF A REHEARING.

That the union failed to represent Petitioner against male District Superintendents, Defendants ROHAN, HEING, Associate Members with lessor standing than Petitioner,

in the matter of equal pay; That Gerard J. Heing was also overpaid, $10.000 in 1975-1976 through a computer error, which granted him the senior pay of VINCENT J. CONROY, instead of his rightful pay of the MATHER HIGH SCHOOL and this fact was misrepresented to Judge Leighton, who refused Plaintiff's Offer of Proof [Pl.'s Ex. Group 12]; said group exhibits not being submitted to the Appellate Court deliberately by H. Stuart Cunningham, who "sent up" the complete record on April 17, prematurely, when plaintiff had an extension of time. [Pl.'s App. 40a-41a]. [Question #2]

Petitioner seeks judgment against the Chicago Principals Association, court costs, legal fees as per Count II of the Amended Complaint, 1977, and Plaintiff's Answers to the CPA Interrogatories, March, 1978 with the Court Costs and additional fees of the last three years.

Petitioner seeks punitive, social, and emotional damages of not less than $1 000,000 for the retaliatory action against her, documented in her affidavit, August, 1978—not submitted to the Appellate Court by H. Stuart Cunningham (Question #2). That said Union Attorney failed to represent her—after he was so ordered by the Governing Board, who had voted such representation, Sept. 13, 1976. That subsequently, she was forced to enjoin them in this suit, Dec. 1, 1976.

That the men of the Union "Club", too, must not be above the law so that they do not answer the complaint of a woman from the time of its filing with the EEOC [Pl.'s App. 63a-70a], 1975 to the U.S. Supreme Court.

CONCLUSION

Respondents would like the Court to disregard the national disgrace they perpetrated as a DEFUNCT BOARD —Defendants who no longer exist as a Board of Education because of their mismanagement of funds, personnel as detailed in Petitioner's complaint, trial, and appeals.

Respondent Attorneys would like the Court to disregard their contribution to Chicago's national disgrace—

Respondents would like the Court to disregard the questionable political appointment by City Hall of a "BUSINESS MAN" SUPERINTENDENT (without equal opportunity for qualified females)—alleging that he is not a Defendant WHEN THAT IS NOT THE ISSUE BEFORE THE COURT BUT HIS APPOINTMENT WITH CONTROL OF THE PURSE STRINGS OVER THE FEMALE ACTING Superintendent with lessor salary and no residential benefit to live out of Chicago.

Respondents would like the Court to disregard the 1978 appointment of a black woman, Leona Collins, to the Audubon School ipso post facto of Petitioner's Amended Complaint, 1977, charging Defendants with paying white male principal. EUGENE RICHARDS, at Audubon $3,000 more for the same job, same school, same office, same rating.

Respondents would like the Court to disregard the fact that Leona Collins was subpoenaed to testify against Defendant Employers and to produce the staffing records, payrolls of John Kulautter subpoena was not quashed; she did not appear. The witness fees of $31.00 was not

returned; and this was permitted by the Black Judge Leighton, with whom Defendant Attorneys had had "ex parte" communication, Nov. 3, 1978 [Ex. E] immediately after her appointment, Sept. 1978.

Respondents would like the Court to disregard Defendants open "search" for a "BLACK MAN" MANFORD BYRD and the political intimidation upon all Whites now perpetrated by Jessee Jackson dictating to a Board predominately BLACK—that the Superintendent shall be a "BLACK MAN"—now the only requirement for the highest administrative position in the Chicago Public Schools.

CERTIFICATE OF SERVICE

I hereby certify that I served three copies of the foregoing Reply Brief to Respondents were sent by first class mail, postage prepaid on Dece. 26, 1980 to counsel representing the parties to the proceedings and to the Attorney General pursuant to Rule 28 C cited on page iii of Question 6 of my "Petition For a Writ of Certiorari to The United States Court of Appeals For the Seventh Circuit", docketed Oct. 14, 1980.

ANABEL J. McCUTCHEON

Apt. 3B, 1917 Tanglewood
Glenview, Ill. 60025
312-328-1630

1. MICHAEL J. MURRAY
2. PAUL HEINEKE
3. THOMAS BROWN
4. RON COPE
   ANCEL, GLINK, DIAMOND
5. QUERRY, HARROW, GULANIK,
   KENNEDY
6. JAMES MOFFAT

APPENDIX

EXHIBIT A

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C. 20543

December 11, 1980

Ms. Anabel J. McCutcheon
1917 Tanglewood Drive
Apartment 3B
Glenview, Illinois 60025

Re: Anabel J. McCutcheon v. Board of Education of Chicago, et al., No. 80-724

Dear Ms. McCutcheon:

In reply to your letter of December 6, 1980, you are informed that insofar as this office is concerned the brief of the respondents referred to was timely filed. Your corrected petition for writ of certiorari was not received and filed in this office until November 3, 1980, and respondents' brief therefore would not have been due until December 3, 1980.

The brief in fact was filed on November 28, 1980. This case was distributed to the Court on December 3 and if you wish to file a reply brief you should do so, as provided for in Rule 22.5 of the rules of this Court.

Very truly yours,

/s/ Michael Rodak, Jr.
Michael Rodak, Jr.
Clerk

cc: Michael J. Murray, Esq.
Ronald Cope, Esq.
Paul H. Heineke, Esq.

B

W-2

Type or Print Employer's Identification Number, Name and Address

36-6005821-W
BOARD OF EDUCATION, CITY OF CHICAGO
228 N. LA SALLE STREET
CHICAGO, ILLINOIS 60601

WAGE AND TAX STATEMENT - 1971

Copy C - For employee's records

1 Amount of salary payroll deductions or sick pay exclusions
2 Add any item to wages in figuring the amount to be reported as wages and address of your Director for details
3 The social security (F.I.C.A.) rate of 5.2% includes 4% for Hospital Insurance Benefits and 4.6% for old-age survivors, and disability insurance

Federal Income Tax Withheld	Wages, tips, other compensation Paid in 1971	Other Compensation 2 Paid in 1971	F.I.C.A. Employee Tax Withheld 3	Total F.I.C.A. Wages Paid in 1971	Wages paid subject to State withholding in 1971
3065.47	15,329.76				15329.76

TYPE OR PRINT EMPLOYEE'S SOCIAL SECURITY NUMBER → 328-22-2295

Name of State	State Form No.	State Tax Withheld
ILLINOIS	IL W-2	383.25

"LK 158 SEQ 125 UNIT 2110
ANABEL J MCCUTCHEON
[illegible] TANGLEWOOD DR
GLENVIEW IL 60025

EMPLOYEE'S STATEMENT OF EARNINGS AND DEDUCTIONS

CHECK NO.	DATE PAID	PAY PERIOD	CURRENT TIME	OVERTIME	PAY PERIOD NO.
0595-256611	12/30/71	12/13/71-12/24/71	10.00	00.00	

SOC. SEC. NO. | NAME | TITLE | UNIT

328-22-2295 ANABEL J MCCUTCHEON E0510 2110

CURRENT EARNINGS	INCREMENT	OVERTIME	SALARY ADJUSTMENT	TOTAL GROSS	NET PAY	CLASSIFICATION
904.35	0.00			904.35	475.00	POS.10192

DEDUCTIONS

01- 63.31	02- 139.66	FWTEX 100	
03- SINGLE	04- 0.00	SWTEX 00	
05- 209.00	09- 17.30		

YEAR TO DATE

A- 19,509.76	B- 4,180.00		
C- 15,329.76	D- 3,065.47		
E- 23.5	F- 0.0		
G- 2.0	H- 383.25		

DEDUCTION CODES

01 - PENSION
02 - FED. INCOME TAX
03 - B OF E HOSPITALIZATION CONTRIBUTION
04 - BLUE CROSS DEDUCTION
05 - ANNUITY
06 - UNION DUES
07 - CRUSADE OF MERCY
08 - BONDS
09 - STATE INCOME TAX

YEAR TO DATE CODES

A - TOTAL GROSS
B - NON-TAXABLE GROSS
C - ARABLE GROSS
D - FED. INCOME TAX
E - SICK LEAVE BAL.
F - PER. BUSINESS DAYS
G - VACATION ACCRUAL
H - STATE INCOME TAX

BOARD OF EDUCATION · CITY OF CHICAGO

W-2

WAGE AND TAX STATEMENT - 1972

Copy B - To be filed with Employee's FEDERAL tax return

1 Amount is before payroll deductions or sick pay exclusions.
2 Add this item to income in reporting wages and salaries on your income tax return.
3 The social security (FICA) rate of 5.2% includes 0% for hospital insurance benefits and 4.8% for old-age, survivors, and disability insurance.

U.S. Treasury Department, Internal Revenue Service — Type or Print Employer's Identification Number, Name and Address

36-6005821-W
BOARD OF EDUCATION, CITY OF CHICAGO
228 N. LA SALLE STREET
CHICAGO, ILLINOIS 60601

FEDERAL INCOME TAX INFORMATION			SOCIAL SECURITY INFORMATION		
Federal Income Tax Withheld	Wages 1 Paid Subject To Withholding 1972	Other Compensation 2 Paid in 1972	FICA Employee Tax Withheld 3	Total FICA Wages Paid in 1972	Wages paid subject to state withholding in 1972
63935.23	17,516.54				17516.54

TYPE OR PRINT EMPLOYEE'S SOCIAL SECURITY NUMBER → 328-22-2295

Name of State	State Form No	State Tax Withheld
ILLINOIS	IL W-2	437.93

3 BLK 152 SEC 219 UNIT 211
[illegible] J MCCUTCHEON,

EMPLOYEE'S STATEMENT OF EARNINGS AND DEDUCTIONS

CHECK NO	DATE PAID	PAY PERIOD	TIME CURRENT	TIME OVERTIME	PAY PERIOD NO
0325-002166	12/29/72	12/11/72-12/22/72	10.00	00.00	

SOC. SEC NO | NAME | TITLE | UNIT

328-22-2295 ANABEL J MCCUTCHEON E0510 0503

CURRENT EARNINGS	INCREMENT	OVERTIME	SALARY ADJUSTMENT	TOTAL GROSS	NET PAY	CLASSIFICATION
904.35	0.00			904.35	423.34	POS.10192

DEDUCTIONS

01- 63.31	02- 341.59	FWTEX 100	
03- SINGLE	04- 0.00	SWTEX 00	
05- 260.00	09- 16.11		

YEAR TO DATE

A- 22,563.54	B- 5,047.00		
C- 17,516.54	D- 3,985.23		
E- 30.0	F- 0.0		
G- 8.19	H- 437.93		

DEDUCTION CODES

01 - PENSION
02 - FED. INCOME TAX
03 - B OF E HOSPITALIZATION CONTRIBUTION
04 - BLUE CROSS DEDUCTION
05 - ANNUITY
06 - UNION DUES
07 - CRUSADE OF MERCY
08 - BONDS
09 - STATE INCOME TAX

YEAR TO DATE CODES

A - TOTAL GROSS
B - NON-TAXABLE GROSS
C - TAXABLE GROSS
D - FED. INCOME TAX
E - SICK LEAVE
F - PER. BUSINESS DAYS
G - VACATION ACCRUAL
H - STATE INCOME TAX

B-

Reduction in Salary, 1973 McCutcheon Principal's Salary less for 10 school months (McCutcheon Teacher's Salary)

Published Teacher Salary Won by Chicago Teacher's Union for 39 weeks of work, 1973

--$19,251.00 McCutcheon Salary per week $452.17

41
45217
180868
$1853897

Cop
Crystal Ellers

Loss of Salary $713.03

Loss of Pension _____

Loss of Tax-Sheltered Annuity Benefits _____

Increased Income Tax? Because of Loss of Annuity Benefits? _____

Teacher's Salary

EMPLOYEE'S STATEMENT OF EARNINGS AND DEDUCTIONS

CHECK NO	PAY TO THE	FOR WORK PERIOD	CURRENT	OVERTIME	PAY PERIOD NO
0109-784977	12/28/73	12/13/73-12/21/73	10.00	00.00	

SOC SEC NO	NAME		TITLE	UNIT
328-22-2295	ANABEL J MCCUTCHEON		EU510	0503

CURRENT EARNINGS	INCREMENT	OVERTIME	SALARY APPROPRIATION	TOTAL GROSS	YEAR PAY	CLASSIFICATION
925.78	0.00			925.78	417.46	PO3.10192

DEDUCTIONS

01- 64.81	02- 139.55	FeTEX 100	
03- SINGLE	04- 0.00	SeTEX 00	
05- 28d.00	09- 15.94	UTCU = 10	

YEAR TO DATE

A- 23,084.54	B- 5,700.00		
C- 17,924.54	D- 4,105.10		
E- 7.0	F- 0.0		
G- 6.61	H- 448.13		

12/18

BOARD OF EDUCATION - CITY OF CHICAGO

DEDUCTION CODES
01- PENSION
02- FED INCOME TAX
03- B CR E HOSPITALIZATION CONTRIBUTION
04- BLUE CROSS DEDUCTION
05- ANNUITY
06- UNION DUES
07- CRUSADE OF MERCY
08- LOANS
09- STATE INCOME TAX

YEAR TO DATE CODES
A- TOTAL GROSS
B- NON-TAXABLE GROSS
C- TAXABLE GROSS
D- FED INCOME TAX
E- SICK LEAVE BAL
F- PER BUSINESS BAL
G- VACATION ACCRUAL
H- STATE INC TAX

EXHIBIT B

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, COUNTY DEPARTMENT, CHANCERY DIVISION

No. 73 CH 1355

IN CHANCERY

ANABEL J. McCUTCHEON,

Petitioner,

v.

BOARD OF EDUCATION OF THE CITY OF CHICAGO, ILLINOIS, et. al.,

Respondents.

ANSWER

The Board of Education of the City of Chicago, a body politic and corporate, Dr. Vincent J. Conroy, Superintendent, District Three, Dr. Otho M. Robinson, Assistant Superintendent-Personnel, Dr. Angeline Caruso, Associate Superintendent, Area C, Manford Byrd, Jr., Deputy Superintendent, Howard L. Denton, Jr., Assistant to the Deputy Superintendent, and Thomas Finnegan, Salary Administrator, by Michael J. Murray, their Attorney, in answer to the complaint herein say as follows:

24. Further Answering they allege that petitioner received a Level I rating because of her inadequate performance as principal during the performance appraisal period, as alleged in paragraphs 12 and 13-14 above.

25. They deny the allegations of paragraph 25, deny any amount is due or that there should be any accounting. Further answering, they allege petitioner was paid and received full salary in the amount of $23,513.10.

WHEREFORE, respondents pray that the petition for mandamus, injunction and other relief may be denied and that judgment be entered herein for respondents and their costs.

BOARD OF EDUCATION OF THE CITY OF CHICAGO, etc., et al.,
By _____
JAMES F. REDMOND
General Superintendent of Schools.

Plaintiff's Exhibit Group 2
REDUCTION OF SALARY—WOMEN

MICHAEL J. MURRAY
Acting Attorney
Board of Education of the
City of Chicago
228 North LaSalle Street
Chicago, Illinois 60601
641-3900

BOARD OF EDUCATION
City of Chicago
Law Department
228 North LaSalle Street
Chicago, Illinois 60601

October 16, 1975

Michael J. Murray
Attorney
Telephone 641-3900

Mr. Samuel L. Dolnick, President
The Chicago Principals Association
221 N. LaSalle Street
Chicago, Illinois 60601

Re: *Anabel J. McCutcheon, Legal Defense*

Dear Mr. Dolnick:

This is in response to your letter of October 14, 1975 to Dr. Joseph P. Hannon, General Superintendent of Schools, copy of which was sent to the Law Department. Your letter encloses copy of Summons and Complaint in an action for disorderly conduct against a school principal where the school engineer is the complainant. You state that you wish to bring to our attention the responsibility of the Board of Education to defend the principal as provided in Sections 34-18 and 34-18.1 of the Illinois School Code.

We find no right of defendant to a legal defense by the Law Department under the Illinois School Code. We call your attention to the Rules, Board of Education of the City of Chicago, Chapter 2, sec. 2-12 in this regard and suggest that Defendant seek legal representation from private counsel in the above matter.

Sincerely,

/s/ Michael J. Murray
Michael J. Murray
Attorney

October 30, 1975

MJM,REG:gp
cc: Dr. Joseph P. Hannon

/s/ Anabel J. McCutcheon
Anabel J. McCutcheon

UNITED STATES DISTRICT COURT
Northern District Of Illinois
Eastern Division

Name of Presiding Judge, Honorable John Grady

Cause No. 78 C 3899 Date Nov. 1, 1978

Title of Cause — Anabel J. McCutcheon vs. Chicago Board of Education, Et Al Wrongful Principal Dismissal by Kangaroo Court of Fabricated Charges

Brief Statement of Motion — Plaintiff's Motion for Defendants to show cause why Attorney Paul H. Heinke is solicting, petitioning the Clerk of the U.S. District Court to consolidate three federal cases, in which said Attorney is not the Attorney of Record.

Names and Addresses of moving counsel — Pro Se
Anabel J. McCutcheon

Representing — Anabel J. McCutcheon, Plaintiff
Apt. 3B: 1917 Tanglewood
Glenview, Illinois 60025

Names and Addresses of other counsel entitled to notice and names of parties they represent —
Michael J. Murray, Attorney
Chicago Board Of Education
228 North LaSalle Street
Chicago, Illinois 60601
Chicago Board Of Education
Michael J. Murray
Mrs. Carey B. Preston
Earl B. Hoffenberg
Joseph P. Hannon
William Rohan
Gerard J. Heing
Mario Garofalo

Notes — Plaintiff requests a hearing on motion at 3:00 p.m., Nov. 1, 1978, or as soon after as the court deems proper and has notified all the above parties to the case by mailing them notice by first class mail, placed in the mail chute at the Central Post Office, Clark Street, Chicago, Illinois on October 23, 1978—at 3 p.m.

/s/ Anabel J. McCutcheon

Notes — Ptff's Motion for defts to show cause why Attorney Heinke is petitioning the Clerk of the District Court to consolidate three federal cases, entered. Defts to file written responses to pltff's Motion by November 13, 1978

/s/ John Grady
Judge

UNITED STATES DISTRICT COURT
Northern District Of Illinois
Eastern Division

Name of Presiding Judge, Honorable George Leighton
Cause No. 76-C-4763 Date November 3, 1978
Title of Cause — Anabel J. McCutcheon vs. Chicago Board of Education et al.
Brief Statement of Motion — To clarify motions of plaintiff and to resist surrender of court files or original documents to plaintiff.
Names and Addresses of moving counsel — Michael J. Murray — 228 N. LaSalle St., Chicago 60601
Paul H. Heineke — 135 S. LaSalle St., Chicago 60603
Representing Defendants
Names and Addresses of other counsel entitled to notice and names of parties they represent. — Ronald S. Cope — 111 W. Washington St., Chicago 60602
Attorney for plaintiff
Anabel J. McCutcheon — plaintiff
1917 Tanglewood Drive, Apt. 3B, Glenview, Ill. 60025
Notes — Pursuant to the Court's Views as expressed on the record No Order is entered on the Motion to Resist surrender of Court Files etc. The defendants are granted to November 23, 1978 to file Memoranda in support of Motion to Dismiss directed at 78 C 3894, 78 C 3399 and 78 C 3955. The Answer of plaintiff to be filed on or before December 12, 1978. Reply to be filed on or before December 28, 1978. Court will rule on January 12, 1979 via mail Cause set for status on January 19, 1979.

/s/ Leighton
Judge

Nov. 7, 1978

UNITED STATES DISTRICT COURT
Northern District Of Illinois

IN THE MATTER OF:
ANABEL J. MCCUTCHEON,

VS.

THE BOARD OF EDUCATION,
Case No. 78 C 3894

TRANSFER OF CASE TO THE EXECUTIVE COMMITTEE FOR REASSIGNMENT

The above-captioned cause is currently pending on my calendar. I recommend to the Executive Committee that this case be reassigned to the calendar of Judge Leighton. The reasons for my recommendation are indicated on the reverse of this form.

/s/ Illegible
Judge

Dated: November 6, 1978

EXHIBIT F

ORDER OF THE EXECUTIVE COMMITTEE

IT IS HEREBY ORDERED that the above-captioned cause be and the same hereby is reassigned to the calendar of Judge Leighton.

ENTER:
FOR THE EXECUTIVE COMMITTEE
/s/ James B. Parsons
Chief Judge

Dated: 8 NOV 1978
Reassign/Named Judge

UNITED STATES DISTRICT COURT
Northern District Of Illinois
Eastern Division

Name of Presiding Judge, Honorable George N. Leighton
Cause No. 76 C 4763 Date September 14, 1979
Title of Cause — Anabel J. McCutcheon v. Chicago Board of Education, et al
[Thomas Finnegan]
Brief Statement of Motion — Motion to permit one of main witnesses for defense to vacation the first two weeks in November
Notes — Motion will be entered; the court will not rule thereon. Defendants are required to maintain contact with the Minute Clerk of this Court with regard to the progress of this case to the top of the trial list.

/s/ Leighton
Judge

IN THE UNITED STATES DISTRICT COURT
For The Northern District Of Illinois
Eastern Division

ANABEL J. MCCUTCHEON,

Plaintiff,

vs.

CHICAGO BOARD OF EDUCATION, Et. Al.
CHICAGO PRINCIPALS ASSOCIATION

Defendants.

76 C 4763 Title VII
Consolidated
78 C 3894 Wrongful
78 C 3899 Dismissal
78 C 3955 Firing

AFFIDAVIT VERIFYING FOREGOING PETITION FOR CHANGE OF VENUE OR IN THE ALTERNATE A MOTION TO DISQUALIFY JUDGE GEORGE N. LEIGHTON ON THE GROUNDS OF PREJUDICE

I, ANABEL J. McCUTCHEON, being first duly sworn on oath, depose and state:

I am the Plaintiff in the above-entitled causes, representing myself:

That at no time in the above-entitled actions have the Law Firm of QUERREY, HARROW, GULANIK, & KENNEDY or the ATTORNEY RON COPE, Chicago Principals Association, AFL-CIO represented me or had my consent to represent me: although I continually requested representation from my UNION of 30 years from the period of my reduction in salary, September 1, 1971 as a WOMAN PRINCIPAL in District Three without due process or administrative redress; that on March 3, 1973 I filed a Mandamous Action 73 Ch 1355 against an inequitable Administrative Compensation Plan because of the failure of my Union to even obtain grievance hearings or appeals on my behalf;

That I have read the foregoing petition "For a Change of Venue or in the alternate a Motion to Disqualify Judge George N. Leighton on the Grounds of Prejudice" by me subscribed;

That the facts stated therein are true and correct to my personal knowledge or are matters of record or of law and in either case are true.

That I have served a copy of the foregoing NOTICE OF MOTION, Petition For A Change of Venue and this Affidavit on the eight Defendant Attorneys CHICAGO

BOARD OF EDUCATION; the LAW FIRM of QUERREY, BARROW, GULANIK & KENNEDY; RON COPE; and DEFENDANT SAMUEL DOLNICK, President Chicago Principals Association by delivering it to their business addresses to the Secretary, Receptionist in charge on September 10, 1979.

.....

Anabel J. McCutcheon

Subscribed and Sworn Before Me
September 15, 1979

In The United States District Court
For The Northern District Of Illinois
Eastern Division

Anabel J. McCutcheon,

Plaintiff,

vs.

The Chicago Board Of Education, Et. Al.,
The Chicago Principals Association, AFL-CIO,

Defendants.

No. 76 C 4763, Title VII Equal Pay Suit
Consolidated With:
No. 78 C 3894 Wrongful
78 C 3899 Dismissal
78 C 3955 Firing

PETITION FOR CHANGE OF VENUE OR IN THE ALTERNATE A MOTION TO DISQUALIFY JUDGE GEORGE N. LEIGHTON ON THE GROUNDS OF PREJUDICE

NOW COMES the Plaintiff to petition this Honorable Court for a Change of Venue or in the alternate to move to disqualify Judge George N. Leighton on the grounds of prejudice, hostility towards Pro Se Plaintiff.

Prejudicially, on August 27, 1979 Judge Leighton entered a false record to favor Defendant President of the Union, Samuel Dolnick, still enjoined in Count IV of the Title VII suit and erroneously dismissed by the Court and his own attorneys: Querrey, Harrow, Gulanik & Kennedy and the Union Attorney, Ron Cope.

That the Court refused to amend the false record it had entered: "That the Plaintiff was represented by the Law Firm of Querrey, Harrow, Gulanik & Kennedy, requested by Defendant SAMUEL DOLNICK, President of the Chicago Principals Association" . . . who has no authority to retain attorneys for the PLAINTIFF UNDER ANY LAW that the Court alleges the Plaintiff "doesn't know".

That the Court has never corrected the false record of Nov. 3, 1978, docketed Nov. 7, 1978: "Ron Cope, Attorney for the Plaintiff" — the same order consolidating all four cases above BEFORE THEY WERE TRANSFERRED TO JUDGE GEORGE N. LEIGHTON AFTER THE FACT OF THEIR CONSOLIDATION.

That the Union was dismissed in Count II on the sole "Affidavit" argument of President Samuel Dolnick, who alleged that the Union did not discriminate against "women principals" in 1977, 1978 (after the wrongful dismissal of Plaintiff) WHEN THE CAUSE OF ACTION AGAINST THE UNION, filed with EEOC, June, 1975 under the Retaliation Clause of Section 706 of the Civil Practices Act of 1974, 42 U.S.C. Section 2000 e-5 WAS THE FAILURE OF THE UNION TO REPRESENT PLAINTIFF in Grievances, Salary Reduction, Confiscation of Accumulated Benefits by Associate MALE MEMBERS Defendants HEING, ROHAN against whom

EEOC charges were filed—acknowledged in a Dolnick letter to the Chairman EEOC Donald Muse, but denied in his sworn "AFFIDAVIT".

That this specific Union and Dolnick misrepresentation is docketed before the U.S. Supreme Court, §79-125 and that the entering by Judge George N. Leighton of a false record of alleged representation by the Law Firm of Defendant Samuel Dolnick in a hostile and biased manner is prejudicial and unjust: That Plaintiff is vindictively denied trial in this five-year old Equal Pay Suit because she exercised her right to petition the U.S. Supreme Court for the erroneous dismissal of Defendant Union, Sam Dolnick, whom the Court permitted to walk away from Count IV on the allegation of dismissal by the Law Firm of Querrey, HARROW, GULANICK & KENNEDY, LTD.

That NOTICE OF THIS APPEAL was filed on Oct. 30, 1978 and the Court prejudicially denied the documents to be "sent up" to the Appellate Court and denied the public record to the Pro Se Plaintiff.

In an unfair and biased manner, the Court has established a privileged class of eight Defendant Chicago Board of Education Attorneys, permitted to character assassinate, ridicule, mock, intimidate, interrupt, harass, snicker, make faces, and mumble rudely during the Pro Se Plaintiff's presentations:

That the ATTORNEY for the Chicago Board of Education, MICHAEL J. MURPHY and the Assistant Attorney, EARL D. HOFFENBERG are Defendants in the Consolidated Cases 78 C 3899 and 78 C 3955; have failed to separate themselves from the body politic according to the Rules an Procedures [Bd. Rep. §74-456,

May 8, 1974 and Bd. Rep. §77-105 January 26, 1977]; and are unqualified to represent the Board or any Defendant Employee in accordance with the Rules, 2-12: Attorney's Appearance in Legal Proceedings"—a copy being submitted to the Court on July 20, 1979 with Plaintiff's Motion in Limine, which the Court discriminatingly failed to rule on;

That Attorney Paul H. Heineke is unqualified under the Ill. Stat. Rev., 1975, Chap. 102: Section 41-44 and Chap. 122: 34-49 because his contract expired Dec., 1974 and the recorded date of the filing of the Title VII case is Dec. 28, 1976; the Amended Complaint being filed Nov., 1977 and erroneously entered on Aug. 27, 1979 as the alleged date of filing;

That Paul H. Heineke was privileged to ignore the Nov. 1, 1978 order of Judge Grady to show cause why he is petitioning H. Stuart Cunningham, Clerk of the District Court to consolidate three cases he is unqualified to represent: That this is an issue before the U.S. Supreme Court which Judge Leighton has permitted Defendant Attorneys to argue, harass Plaintiff in over 40 memoranda, briefings, motions October, 1978 to date without permitting *Pro Se Plaintiff* to speak against these privileged attorneys: without making a decision on the motions of the Plaintiff;

That Attorney Thomas P. Brown also has no public contract made in Open Meeting to represent the Board or Defendant employees; that he too, solicited the consolidation of these cases from H. Stuart Cunningham, Clerk of the District Court on Oct. 16, 1978 in violation of the United States Supreme Court Rule #39; his appearance being filed on Oct. 20, 1978 AFTER THE

FACT OF HIS SOLICITATION OF THESE CASES;

That the Court discriminatingly refused a decision on Plaintiff's Motion in Limine, July 20, 1979; denied her equal and fair representation before this Court on Aug. 29, 1979 to speak against Attorney Brown being added in violation of the State Laws;

That the Court admitted Attorney Brown, not the Attorney of Record in this Equal Pay Suit AFTER THE HEARING WAS TERMINATED on Aug. 27, 1979; WHEN HIS MISREPRESENTATION IS AN ISSUE, docketed in the U.S. Supreme Court, 78-1705—and that now he is placed on this suit AFTER THE FACT OF THIS MISREPRESENTATION;

That Judge George N. Leighton admitted on Aug. 27, 1979 that these cases must be tried singly, but has failed to bring any one to trial on the flimsy excuses of Defendant Attorneys.

Plaintiff is bringing this petition at the earliest possible date in view of the dates these things happened and in view of the fact of the whimsical, capricious, and arbitrary orders of the Court for trial—acknowledging the Petition for Writ of Certiorari—July 6, 13, 20, 1979: so Defendants have no grounds for complaint that they were lately notified: the major incidents occurring on July 20-Aug. 27, 1979 when Plaintiff was prepared for trial BUT DEFENDANTS WERE NOT.

Over and above a statutory petition for change of venue this Pro Se Plaintiff has a right to move to disqualify the Judge for the specific grounds herein stated: Plaintiff has a right to be heard and her cause adjudicated by a fair and impartial Judge, which is not

Judge George N. Leighton. As stated above he's been hostile, beligerent, and prejudicial in order to punish her for daring to represent herself and challenge the actions of the Defendant Attorneys.

Plaintiff McCutcheon not only has a right to a fair and impartial Judge, but there must be such an atmosphere about the proceedings to assure HER a fair and impartial review of her complaint; an appeal free from harassment of unqualified Defendant Attorneys.

Wherefore, Plaintiff, representing herself, petitions for a change of venue from Judge George N. Leighton or in the alternate moves to disqualify him and that her case be sent back to the presiding Judge to be reassigned for a speedy trial to another Judge.

.....

Anabel J. McCutcheon

Apt. 3B: 1917 Tanglewood Drive
Glenview, Illinois 60025
328-1630

May 8, 1974

74-456

PAY BILL OF JENNER AND BLOCK
FOR LEGAL SERVICES

RECOMMENDATION:

That the bill of Jenner and Block in the amount of $4,750 for professional services rendered from November, 1973 through March, 1974 be paid.

DESCRIPTION:

Judgment has been entered for defendants in the suit of Charles Eugene Rhodes, et al. v. City of

Chicago in Trust for the Use of School,s et al., 73 C 1425 which is an action in Federal District Court, for injunctive relief and damages against the Board of Education, Dr. James F. Redmond, Michael J. Murray, Frank S. Righeimer and Richard E. Girard involving the acquisition of property for an addition to the site at Van Vlissingen School. A notice of appeal has been filed to the Court of Appeals 7th Circuit by plaintiffs.

Because the Board, its Attorney, Special Attorney and an Assistant Attorney in the Law Department are named as defendants it was necessary as we previously reported that outside counsel be retained to defend the case. The firm of Jenner and Block has submitted a statement for legal services which is on file in the Office of the Secretary.

SUPPORTIVE DATA:

The charges for professional services are proper and reasonable are the usual and customary charges made by Jenner and Block for such services in federal court actions; that the services rendered were required and satisfactorily performed.

FINANCIAL:

Charge to 14-1-101-41. Legal Expenses.....$4,750.

Respectfully submitted,

MICHAEL J. MURRAY
Attorney

Prepared by:
FRANK S. RIGHEIMER
Special Attorney
Within Appropriation:
ROBERT STICKLES
Controller

77-105

January 26, 1977

RESOLUTION

Burger v. *Board of Education of the City of Chicago, Saul Samuels, Blaine DeNye,* 75 L 10160
Winburg v. *B and C Electric, Inc., Board of Education of the City of Chicago and Saul Samuels,* 74 CH 7338

It is hereby resolved that the Board of Education pay the reasonable legal fees incurred by Saul Samuels, former Director, Bureau of Architecture, and Blaine DeNye, a Board employee in defending the above causes of action in which the Board of Education is a co-defendant, and is represented by the Law Department. Statement for said reasonable legal fees will be submitted to the Law Department and is subject to Board of Education approval. *The Attorney is directed* to take steps to recoup said fees in the event a final judgment is rendered finding the individual defendants were not acting under the direction of the Board within the course of scope of their duties.

(Letterhead of)
LAW OFFICES
QUERREY, HARROW, GULANICK & KENNEDY, LTD.
LaSalle Bank Building—Suite 3600
135 South LaSalle Street
Chicago, Illinois 60603
(312) 236-9850

November 21, 1977

H. Stuart Cunningham
Clerk of the Court
United States District Court
219 South Dearborn
Chicago, Illinois

RE: Anabel McCutcheon v. Chicago Board of Education, et al Court No.: 76 C 4763

Dear Mr. Cunningham:

Please be advised that our office is no longer involved in the above-captioned matter as our party [Sam Dolnick] has been dismissed from the lawsuit. Please change your records by deleting our law firm name from your mailing list. Thank you.

Sincerely,

Paul A. Rettberg

PAR/jar
cc: Anabel J. McCutcheon,
Apt. 3B
1917 Tanglewood Drive
Glenview, Illinois 60625

UNITED STATES DISTRICT COURT
Northern District Of Illinois
Eastern Division

Name of Presiding Judge, Honorable George N. Leighton

Date September 14, 1979

Cause No. 76 C 4763 Consolidated With

Title of Cause — McCUTCHEON vs. CHICAGO BOARD OF EDUCATION, Et. Al TITLE VII EQUAL PAY SUIT FOR WOMEN PRINCIPALS

BRIEF STATEMENT OF MOTION

PETITION FOR A CHANGE OF VENUE OR IN THE ALTERNATE A MOTION TO DISQUALIFY JUDGE GEORGE N. LEIGHTON ON THE GROUNDS OF PREJUDICE

Names and Addresses of moving counsel—ANABEL J. McCUTCHEON, Apt. 3B: 1917 Tanglewood Drive Glenview, Illinois 60025
Representing HERSELF

Names and Addresses of other counsel entitled to notice and names of parties they represent—
PAUL H. HEINEKE
Heineke and Shrader
135 South LaSalle Street
Chicago, Illinois 60603
Ron Cope, Attorney
Chicago Principals Association
180 North LaSalle
Chicago, Illinois 60601
Att. James Scanlon
Chicago Board of Education
228 North LaSalle Street
Chicago, Illinois 60601

THOMAS P. BROWN, Attorney
221 North LaSalle Street
Chicago, Illinois 60601

NOTES—Defendant may file a response to plaintiffs petition for a change of venue or in the alternative a motion to disqualifying Judge Leighton, by Sept. 21, 1979. Plaintiff may file a reply brief by Sept. 28, 1979. The court will rule by mail on Oct. 5, 1979.

/s/ Leighton
Judge

UNITED STATES DISTRICT COURT
Northern District Of Illinois
Eastern Division

Name of Presiding Judge, Honorable George N. Leighton

Cause No. 78 C 3899 Date Nov. 2, 1979

Title of Cause—McCutcheon vs. Chicago Board of Education: "Kangaroo Court"

Brief Statement of Motion—Plaintiff's Motion for Defendants to show cause why they should not be held in contempt of Court for failure to comply with the Nov. 1st orders of Judge Grady

Names and Addresses of moving counsel—Anabel J. McCutcheon, Pro Se, Apt. 3B: 1917 Tanglewood Drive, Glenview, Illinois 60025
Representing—Herself

Names and Addresses of other counsel entitled to notice and names of parties they represent.—Attorney Paul Heineke, 135 South LaSalle St. (4); Attorney Michael J. Murray, 228 North LaSalle Street (01); Attorney Thomas P. Brown. 221 North LaSalle Street (01)

Reserve space below for notations by minute clerk

Plaintiff's motion is denied. Examination of the record discloses that plaintiff lacks ground for this motion.
Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

United States District Court, Northern District Of Illinois
Eastern Division

Name of Presiding Judge, Honorable George N. Leighton
Cause No. 78 C 3894 Date Nov. 2, 1979
Tite of Cause: McCutcheon v. Chicago Board of Education
Brief Statement of Motion: Plaintiff's Motion for Defendants to show cause why Attorney Thomas P. Brown is representing employees Chicago Board of Education without a public contract made in Open Meeting [Ill. Rev. Stat. 34-18.1] The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended)

Names and Addresses of moving counsel: Anabel J. McCutcheon, *Pro Se,* Apt. 3B: 1917 Tanglewood Drive, Glenview, Illinois 60025
Representing: Herself

Names and Addresses of other counsel entitled to notice and names of parties they represent.—Attorney Paul Heineke, 135 South LaSalle Street (04); Attorney Michael J. Murray, 228 North LaSalle Street (01); Attorney Thomas P. Brown, 221 North LaSalle Street (01)

Reserve space below for notations by minute clerk

This motion is denied. Examination of the record of this case shows that Thomas P. Brown, Esq. has complied with all the statutes and rules governing his appearance as counsel in these proceedings.
Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.